

**Statements Submitted for the Record
International Maritime Security Hearing
December 13, 2005**

Mrs. Jennifer Hagel Smith, Wife of
Mr. George A. Smith IV

Mr. George Smith, Ms. Maureen Smith,
and Ms. Bree Smith, Esq., Family of
Mr. George A. Smith IV

Ms. Jean Scavone, Mother of
Mr. James Christopher
Scavone

Mr. Michael Pham, Son of Mr. Hue V. Pham and
Mrs. Hue T. Tran

Mr. and Mrs. Kendall Carver, Parents of
Ms. Merrian Lynn Carver

Ms. Rita Sittig, Mother of Mr. Christopher Caldwell

Mr. and Mrs. Ira Leonard

Mr. Brett Rivkind, Attorney for Parents of
George A. Smith IV

Mr. Luis A. Perez, Attorney for Parents of
Mr. Symon Dias

December 12, 2005

SUBCOMMITTEE ON NATIONAL SECURITY,
EMERGING THREATS, AND INTERNATIONAL RELATIONS
Room B-372 Rayburn Building
Washington, D.C.
20515

Re: Cruise Line Safety and Security

Dear Honorable Committee Members:

My name is Mrs. Jennifer Hagel Smith. I am 26 years old, and I am from Cromwell, Connecticut.

I met George Allen Smith IV on June 8, 2002, while I was living in Newport, Rhode Island, obtaining my Masters in Education. We quickly fell in love. Just as quickly, George became a very special part of my very close family.

My mother, Debbie, was a stay at home mom before she opened her own real estate office. My father, John, is a retired police sergeant and general contractor. My Dad was proud to say "yes" when George asked him for my hand in marriage on Valentine's Day in 2004. Everyone absolutely adored George.

George and I were excited about beginning our life together. George was going to assume responsibility of his Dad's business, while I was going to start teaching third grade in Westport. We planned to have at least two children. If we had a boy, which we both secretly hoped for, we would name him "George the Fifth," of course.

On a perfect Saturday on June 25th, 2005, we recited our vows overlooking the water in Newport, Rhode Island, where we first met. Our parents were bursting with pride on this euphoric day. It was truly the best day of my life!

July 5th, 2005, was the worst day of my life. This was the day when I lost my husband and my best friend during our honeymoon cruise. We both lost our dream of raising a family together, and the dream of giving our parents more grandchildren to love and spoil. This was the day that would forever change my life, and shatter the lives of our families.

Three Royal Caribbean Cruise line men told me that my husband had gone overboard in Greek waters.

When I heard these cruel words, I literally felt my world spinning out of control. This could not be happening. My heart felt like it was caving in, being crushed inside my chest. "What are you saying? Why are you telling me this?" I couldn't breathe. I felt like I was suffocating. My teeth were chattering, tears were falling, and then I went numb all over.

The cruise line men took me to a main gathering area on the ship where other passengers were laughing and smiling and milling around. These sights and noises made me feel nauseous. I felt completely and utterly alone. There was no compassion, sympathy or sensitivity shown by the cruise line.

Another cruise line employee took me to an empty cabin. I was told to take a shower. I received a tank top, T-shirt and gym shorts all with the Royal Caribbean logo splashed across them. Having to wear the cruise line logo humiliated me.

I asked if I could contact George's parents immediately. The cruise line told me not to call anyone; however, I couldn't bare the weight of this nightmare alone. Finally, the cruise line permitted me to call my family. My mother answered the phone. She heard me crying and handed the telephone to my Dad. He began to wail when he heard that George was gone. We did not know what to do or where to turn.

The Captain of the cruise ship told me that I had to leave the ship with the Turkish police. I was afraid. I wanted to stay on the ship and find out what happened to George, and I desperately wanted my parents to fly to the next port to meet me. I called my Dad. The Captain promised him that I would leave the ship for only a short period of time. He promised my Dad that two ship security officers would accompany me at all times. He ensured us that the officers would promptly return me to the ship.

I was interrogated by a Turkish police officer in an office at the port. I was then driven into the city to a Turkish police station where I was mocked and taunted as I sat crying and bewildered. Where were the two cruise line security officers? I was then taken against my will, further from the cruise ship, to a hospital. A man, who I could not understand, lifted up my shirt and looked down my shorts without taking me to a private examining room.

When I finally returned to the port, all of our suitcases were brought down and left on the dock. Our clothes and personal items, which could not be crammed in the suitcases, were haphazardly stuffed into 10 plastic souvenir bags, all emblazoned with the Royal Caribbean logo. My eyes became transfixed on a pair of George's sneakers sticking out of one plastic bag. This memory will forever haunt me.

The ship sailed without me that evening. I was left in Turkey with no money, no plane ticket, no food, nothing . . . The cruise line did not offer me help with a flight, hotel arrangements, or anything. I could not speak the native language and I felt abandoned.

I had to borrow money to pay for a hotel. I was mentally and physically exhausted and had not been offered anything to eat all day. Borrowing a telephone to call home once again, my Dad provided his credit card to pay for my flight home. After two long flights, I arrived at JFK and literally collapsed into the arms of my parents.

Since returning home, I have cooperated completely with the FBI. These agents have been working relentlessly to bring closure and justice to our lives. The Bureau has asked me to remain silent about the events surrounding that night before docking in Turkey, so as not to jeopardize their ongoing investigation. I agreed, and thus have remained true to my word. The FBI has allowed me to speak about my deplorable treatment following the death of my husband, although nothing else. I am anxious for the opportunity to tell my full story, when the FBI believes I can freely explain everything that I knew then and have come to learn since the death of my husband without interfering with their vigilant investigation.

The cruise line has taken advantage of my silence. Initially, the cruise line issued a statement attacking George, stating that it was just an accident and suggesting that it was all George's fault. Subsequently, I have come to learn that the cruise line knew all along that there was blood in and outside of our cabin as well as other substantial evidence of foul play. As if this were not bad enough, you can imagine my shock and disbelief when I read a local Connecticut newspaper, in which Michael Crye, President of the International Council of Cruise Lines ("ICCL"), blamed George's death on both of us by stating "it's difficult if someone chooses to do harm to themselves or their companion." I don't know if Mr. Crye is married or if he has children of his own, but I find his reckless remarks offending our reputations and character both hurtful and irresponsible.

I have tried to put these malicious comments in proper perspective, coming as they do from a cruise line which obviously did not care for the well being of me or my husband. I see now that it was only our business they valued - not our safety and security.

In recent months, I have learned that Royal Caribbean is a corporate felon involving crimes of dishonesty. They are incapable of protecting U.S. citizens without direct federal oversight and regulation. No other families should have to endure our pain or have their lives destroyed just like the families here today. The cruise industry should spend less time attacking victims and more time making passenger safety its' number one priority. I would also spend the largest part of the following year's budget ensuring just that.

Our families have received many letters, cards and telephone calls both from the public and members of the media, expressing their concern for us and offering their support. I take this opportunity to thank everyone who has been so supportive and understanding of our feelings in this time of crisis.

I am committed to determining what happened to my husband and seeing that justice is served. I have retained a law firm in Miami, Florida to assist our families with our goal of finding the truth. We have already sent many letters to the cruise line requesting information, as well as access to the cruise ship in order to conduct a thorough inspection and investigation. To date, the

cruise line has provided us with no information and no assistance. We have not been permitted to board the cruise ship, even though the ship is now sailing from the Port of Miami.

Under these circumstances, we are appealing to the American public to help our family. We are offering a reward of \$100,000.00 for new information leading to the arrest and conviction of the individual or individuals responsible for George's death. I have created a website - HagelSmith.com - which explains this further. If you were on this cruise, or if you know of any circumstances surrounding my husband's disappearance, please help us!

Thank you for providing me with this opportunity to address your committee. I also want to especially thank my Congressman, Mr. Christopher Shays, and George's parents, Maureen and George Smith III, and my sister-in-law, Bree, for their determination and efforts, which have focused the committee's attention on this most important matter.

Sincerely,

Jennifer Hagel Smith

Written Statement Prepared for Joint Hearing on Cruise Security
To be Held on December 13, 2005

To Whom It May Concern:

We are the parents and sister of George A. Smith IV, aged 26 years old, who went missing from the Royal Caribbean "Brilliance of the Seas" on July 5, 2005 between Greece and Turkey. No words can express the deep sorrow our family carries over George's death. George was a special person, not only to his family but also to his many friends who miss him dearly. No family should have to endure the terror that we have in the past five months.

At 6:30 am on July 5th, we were informed by Jennifer Hagel Smith's father that something terrible had happened to our beloved son and brother while cruising in the Aegean Sea. Later that day, we were informed by Pamela Powell, supervisor of guest claims at Royal Caribbean, that there was "no news" regarding George's disappearance with a 'business as usual' attitude. Royal Caribbean conducted one search of the vessel for George and refused to conduct any further searches. Additionally, the "Brilliance of the Seas" did not return to the area where George went overboard to conduct a search of the waters, which is standard procedure for cruise ships and the appropriate thing to do.

Despite the fact that Bree complained of the lack of information forthcoming from Royal Caribbean, the company failed to provide us with any further information. Royal Caribbean never even informed us that the Turkish authorities were conducting a criminal investigation into George's disappearance.

We called the Connecticut branch of the Federal Bureau of Investigation (FBI) after being informed by Congressman Christopher Shays' office that there was blood in George's stateroom. If we had not called Congressman Shays' office on July 5th and got the Connecticut FBI involved, George's death would most likely have been labeled a suicide or accident by Royal Caribbean, which the cruise lines consistently attempt to do. The cruise lines are often successful in so doing as there is usually a lack of physical evidence indicating a crime. Thankfully, there was substantial physical evidence surrounding George's disappearance and the cruise lines' usual approach failed.

Our family broke off communication with Royal Caribbean on July 6th after Bree feared we had a conflict of interest with the company given that a crew member was implicated in a witness statement taken by the Turkish police and provided to us by the American Embassy in Ankara, Turkey. This was the beginning of a comprehensive cover-up that would shock and nearly destroy our family.

The day that Bree broke off communication with Royal Caribbean local News Channel 12 broke the story that George had gone missing from his honeymoon cruise. We were informed that in that story the newscaster stated that the drunken honeymooner fell overboard accidentally and that the captain of the vessel had overruled foul play in his disappearance. We contacted the American Embassy in Ankara regarding this misinformation. The press office agreed to discuss my brother's disappearance generally and inform the media that foul play had not been overruled by the investigating authorities.

What Royal Caribbean did not realize was that the News Channel 12 story would be picked up by the New York media and then the national and international media. Investigative reporters would uncover the following further elements of Royal Caribbean's cover-up:

- The blood on the overhang was washed away by security personnel prior to the Turkish authorities even entering the ship. Before the FBI entered the ship, the blood on the overhang had been painted over under the supervision of the ship's captain.
- Security failed to enter George's cabin even after several complaints of a loud fight taking place inside. If they had entered his stateroom, our son and brother's life may have been saved.
- The cruise ship was not locked down in Kusadasi, Turkey, the next port of call after George's disappearance. Passengers and crew members were free to disembark as usual, potentially taking crucial evidence off of the cruise ship with them.
- The Turkish authorities were rushed off the boat prior to completing a full investigation so that the cruise ship could make the next port of call on schedule.
- The "Brilliance of the Seas" sailed off into the sunset with the murderers on board therefore jeopardizing the safety of all the other passengers on board. If crew members were responsible for George's death, the murderers may still be on board to this current day.

These factors indicate that major changes need to be made to the cruise industry.

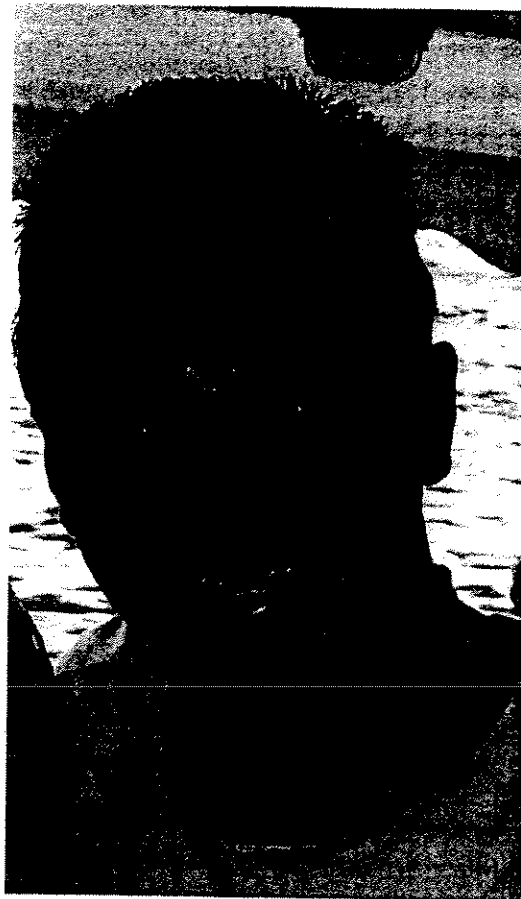
The next communication we received from Royal Caribbean was on September 3 from Lynn Martenstein, Vice President of Corporate Communications, with whom we had never spoken before. She left a message for Maureen and George on the answering machine stating that she was the one that had been on 'A Current Affair' and wanted to tell us about the show that she would be on the next week. Not once did she state that she was sorry for our loss or concerned that the case remained unsolved. Her only concern was protecting Royal Caribbean's image in the media.

It has been five months since our beloved son and brother disappeared into the Aegean Sea. His body has still not been recovered. We are not able to bury George. We have no grave to visit to pray for him. We miss him immensely and we cannot comprehend the fact that he will never again make us laugh as only he could do. If only Royal Caribbean's so-called security force was less negligent, our son would still be here with us today.

George's disappearance is still being actively investigated by the FBI; however, there have been no arrests. Our worst fear is that Royal Caribbean may have been successful in destroying the evidence needed to secure the arrests and convictions of George's murderers.

Crimes and their subsequent cover-ups continuously plague the cruise industry leaving the FBI and other authorities with minimal power to investigate. Heavy lobbying by the cruise industry has resulted in placing passengers at risk on cruise ships and leaving passengers and their families with little or no rights. The time has come to stand up to the cruise industry and protect American citizens by passing new laws that make the cruise industry accountable for passenger safety and preservation of crime scenes, strengthen passenger rights and law enforcement's powers.

This is a photograph of George during the last day of his life in Mykonos, Greece.



Please don't let George die in vain.

We end this statement with great sadness but hope for the future that changes will be made to protect innocent passengers, like our beloved son and brother, who sail on cruise ships.

Sincerely,

George A. Smith III

Maureen T. Smith

Bree J. Smith, Esq.

To: The Subcommittee on National Security Emerging Threats, and International Relations, Criminal Justice, Drug Policy and Human Resources

My son James Christopher Scavone vanished from the Carnival Cruise Ship "Destiny" on July 5, 1999. This trip was a graduation gift from his father and me. He had just graduated from Western Connecticut State University in Danbury Connecticut and was to begin graduate school At NYU in New York City in September.

Jim was on the trip with his best friend Jeff and twelve members of Jeff's family including his mother and step-father. They boarded the ship in the afternoon of July 4, 1999. All fourteen of them had dinner that night at 8pm. Several of the young men went back to their cabin after dinner for a short time. About 10pm they visited the casino and saw Jeff's parents. They then went to the Point After disco club. They had several drinks at the club and danced with several other passengers. At about 12.30am Jim told the boys he was going to the men's room. Jim was never seen again!

When the boys returned to the cabin at about 3am they decided that Jim must have met someone and would return in the morning. They woke up about 10am and still had not heard from Jim. They went to Jeff's parents who in turn went to the ship authorities and asked to have Jim paged over the intercom. Jim never answered the page. The ship notified the U.S. Coast Guard sometime in the afternoon of July 5, 1999. The parents and the ship's officer called our home in Meriden Connecticut at 5pm on July 5, 1999. They reported that they could not find Jim. The ship assured me that they would find him They said they would do a cabin by cabin search during the dinner hour. At 10pm they told me that still had not found him.

The following morning I called the FBI in New Haven Connecticut. An agent visited our home and assured us that the San Juan FBI would investigate when the ship arrived in San Juan. The ship docked in the afternoon of July 6, 1999. The FBI asked permission and was granted the request to board the ship. The FBI interviewed a number of people including the young people that were with Jim the previous night. They left the ship and called me at 10pm that night. They told me that there was no evidence of foul play and therefore they concluded that he must have fallen overboard.

A few weeks later I asked for and was sent the itemized bill of my son's sail card which is used to pay for anything on the ship and also serves as a key to enter your

cabin. The bill indicated that Jim did not go anywhere and buy anything after he left the Point After disco at about 12:30am on July 5, 1999, and he never reentered his cabin.

My son Jim had just turned twenty two less than three weeks before this trip. We have never seen or heard from our son since he kissed us both goodbye on the morning of July 5, 1999. No one should go on a cruise and vanish, but many people do. Since July 23, 2004 eight people, to my knowledge have vanished from cruise ships. The number of assaults and rapes are not know to me, but in August 1999 the cruise industry said publicly that they would report to authorities at the next port any reports of assault or rapes on their cruise ships. If this committee could do anything to assure the millions of United States citizens that they will be safe on cruise ships in the future that would be a wonderful thing. No families should endure the pain of not knowing how, when, where, or why their loved one did not return home safe from their cruise vacation.

December 6, 2005

United States House of Representatives
Subcommittee on National Security, Emerging Threats and International Relations
Subcommittee on Criminal Justice, Drug Policy and Human Resources

In Reference to: International Maritime Security

Attention: Congressman Christopher Shays

Dear Congressman Shays,

I was informed by several members of the media of the upcoming joint hearing on 'International Maritime Security' by the Subcommittees on National Security, Emerging Threats and International Relations, and Criminal Justice, Drug Policy and Human Resources. I am writing to you on behalf of the survived family members of Mr. Hue V. Pham and Mrs. Hue T. Tran, residents of the State of California.

Our beloved father, Mr. Hue V. Pham, and our beloved mother, Mrs. Hue T. Tran, disappeared from a Carnival Cruise ship in middle of the Caribbean Sea on May 12, 2005. After months of fighting for some answers, the FBI, the U.S Coast Guard, and the Superior Court of California declared that my parents are presumed death at seas.

It has been a nightmare for our family for the last +6 months. We were left to find our own ways in dealing with our tragic loss. Our own government turned their backs on us, some of our legislators forgot about us, and the cruise company acted business as usual. In the process, we learned that we were not alone. At least six persons disappeared within a nine-month period, all except one without any trace. These floating cities with a population of more than two thousand people, the majority are citizens of the United States, could not come up with what happened to their passengers, no surveillance tapes, no witnesses, nothing accounted for the missing passenger(s).

The cruise company just went on with their business and completely ignored our request for assistance. Cruise companies are protected from their responsibilities by the outdated 'Death On The High Seas Act' (DOHSA). We learned that passenger after passenger disappeared on the same cruise line, Carnival Cruise Lines, still no warning issued to passengers upon boarding of their ships, no surveillance cameras installed in areas that are most vulnerable for accident or for crime, no program and procedure to assist family members of the victims. They just went on with their business as usual, clear off the ship, load the next group of passengers, and set sail. The traveling public is not made aware that aboard foreign-flagged ship, operated by foreign-registered owners, sailing in international waters, means the rights of American citizens are not protected such as in our case.

We urge you and members of the U.S Congress to not only look into the unfair protections the cruise industry is allowed, but also the way these cruise companies are operated in the

Kendall and Carol Carver
5521 North Camelback Canyon Drive
Phoenix, Arizona 85018

December 7, 2005

Congressman Christopher Shays (CT-4) and Congressman Mark Souder (IN-3),
Chairmen of the Subcommittees on National Security, Emerging Threats and
International Relations, and Criminal Justice, Drug Policy and Human Resources

Gentlemen:

First of all, we appreciate this opportunity to submit a written statement to the above committees at their hearing entitled "International Maritime Security" regarding security issues of United States citizens as passengers on cruise ships. I have had experience with one of the major cruise lines and I offer the following to highlight some of the pertinent problems under existing laws and practices.

My family has had the following terrible experience with Celebrity Cruise Line, a wholly owned subsidiary of the Royal Caribbean Line.

1. Our daughter, Merrian Lynn Carver, boarded the Mercury Cruise Ship in Seattle on August 2004 for a cruise to Alaska from which she never returned. She apparently disappeared very early in the cruise. According to depositions obtained after the family hired lawyers and private investigators, her cabin attendant repeatedly reported to his supervisor that Merrian was missing from and not using her cabin, but no action was taken.
2. The cruise line did not report her disappearance to any authority – either Canadian or American.
3. After the ship reached the end of its cruise in Vancouver the only action taken by the cruise line was to take our daughter's possessions from the cabin and send them to their office in Miami. No attempt was made to contact the immediate family members
4. When we found our daughter was missing from her home in Cambridge, Massachusetts, we contacted the Cambridge police who traced a credit card transaction that led us to the cruise line. It took almost one month before we received confirmation from the cruise line that she had even been on their ship, Mercury.
5. We learned a few details concerning the disappearance of our daughter, Merrian, only by hiring a detective agency to investigate the matter and law firms to

require by court action testimony from crewmembers many months after the event.

6. The cruise line did not provide helpful information to us and denied having surveillance tapes and other information we have requested – such as reports on any investigation made by the chief security officer or actions taken or conclusion reached by the captain if he investigated the matter.
7. Neither the Coast Guard nor the FBI has been able to conduct an investigation of what happened to our daughter because of jurisdictional problems. We, therefore, have not been able to get the assistance from authorities that we would have if our daughter disappeared within our country instead of from a cruise ship.
8. The action of the cruise line - both the things they did and things that they should have done but failed to do - caused our family great anguish. We were able to obtain information from the company about our daughter's disappearance only by extensive efforts over many months and at considerable expense.
9. We still do not know whether her disappearance was the result of an accident, suicide or a crime. The actions by the cruise line may mean that we'll never know because so much time has passed.

Again, we thank the committee for the opportunity to bring this sad story to your attention as you consider the problem of security of U.S. citizens on board cruise lines. It's hard to lose a much-loved daughter. Having to work so hard to try and find out what happened to our daughter made everything more painful.

We hope that these hearings may lead to reforms such that other families do not have similar experiences in the future. We will be happy to provide any other information the committee might find helpful, and we request that our statement be part of the record of this hearing.

Very sincerely

Kendall Carver

Carol Carver

Attachments:

- I. Interview on the Larry King Show – August 1, 2005
- II. Article in the Arizona Republic November 10, 2005 edition concerning the details of our daughter's disappearance

Attachment I to Carver Statement at hearing on
International Maritime Security

Attachment from Interview on the Larry King Show
August 1, 2005

According to an interview on the August 1, 2005 Larry King show, maritime lawyer James Walker made the following statement in a discussion concerning Royal Caribbean Cruise Lines:

"KING: James Walker, what do you make of it? JAMES WALKER, MARITIME ATTORNEY: Well, this is the typical situation that we see, unfortunately, in passenger injury or death cases. The investigations seem to start slow. The cruise line, of course, has already run this through their risk management department. They've sent their attorneys, their defense attorneys, their trial attorneys from Miami to the scene. The passengers have scattered. The crime scene is now floating around in international waters from port to port. It's going to be a very difficult situation.

This particular cruise line has never had a successful conviction of any crime on their ships, as far as we know, for the past 35 years, and it looks like this may be another statistic"

Attachment II to Carver Statement at hearing on International Maritime Security

Daughter vanishes while on Alaskan cruise The strange disappearance of Merrian Carver Robert Anglen

The Arizona Republic
Nov. 10, 2005 12:00 AM

She boarded the Mercury but never got off. The cruise line called it a suicide. But her father's investigation has left him with as many questions as answers about her fate - and the cruise line itself.

Her words tumbled out of the phone, anxious and afraid. "Do you know where my mommy is? I've been trying to call her, and she hasn't called back for days. Is she with you?"

From his home in Phoenix, Kendall Carver forced reassurance into his voice and tried to calm his 13-year-old granddaughter thousands of miles away in England.

"Don't worry. We'll call her," he said. "We'll find out where she is."

Kendall knew his granddaughter had talked to her mother at least once a day ever since a divorce left mother and daughter living on opposite sides of the world. Hanging up the phone, he felt something must have happened to his oldest daughter. Something bad.

Three weeks later, Kendall and his wife would discover what it was: Merrian Carver had flown to Seattle from Boston for an Alaskan cruise and had vanished while the ship was at sea.

Even worse, as the Carvers continued to look for their daughter, they also would discover the ship's staff members knew Merrian had disappeared and never reported it. They simply packed up her belongings and stored them away.

The Carvers' desperate search, told through interviews, court records, private-investigator reports and documents from Celebrity Cruise Lines, is not just the story of a missing woman. It also is one that raises questions about the cruise line's actions: whether it turned its back on a missing passenger, violated its own regulations and withheld critical information from the family during its search.

Celebrity officials acknowledge that an employee showed bad judgment by not reporting Merrian's absence. But even if they'd known she was missing, there was little they could do. The outcome would not have changed.

That is little comfort to the Carvers. Sitting in his home office, which has become command central in the search for his daughter, Kendall's voice cracks with emotion.

"We've learned that if something happens on a cruise, you are on your own," he says, choking back sobs. "No other parents should ever have to go through the crap we've been through. We don't know if Merrian is alive or dead. We don't know if there was an accident or murder or suicide or something else. . . . It is a very sad story."

Tracing her steps

Even as Kendall soothed his granddaughter, he pictured Merrian, the oldest of his four daughters. At 40, she was a bright, vivacious redhead with an independent spirit and a penchant for writing poetry.

Although most of the family had moved west when Kendall retired from his job as president of a New York

insurance company, Merrian stayed on the East Coast. She lived outside Boston, where she had gone to school before becoming an investment banker and marrying. She didn't have a job at the time and was living off a trust fund and her investments.

After his granddaughter hung up, Kendall made a note of the date: Sept. 1, 2004. He turned to his wife, Carol, and told her their daughter appeared to be missing.

The Carvers phoned Merrian's apartment in Cambridge, Mass. Like their granddaughter, they didn't get an answer. They kept calling, but only the answering machine picked up.

Their other daughters were next. Relatives. Friends. One by one, names were scratched off, and the phone bill stacked up. Nobody had any idea where Merrian might have gone. She hadn't talked with them or shared any plans.

Two days passed. Panic set in. The Carvers thought of bizarre accidents and emergency rooms, their daughter alone and unable to communicate. They called the police to check her apartment.

Cambridge police officers went there but found no clue to her whereabouts.

Carol said it felt like they had run into a wall. And the Carvers were forced to consider a dark possibility. Years before, in the midst of her divorce and overwhelmed with the thought of her marriage breaking up, Merrian threatened to commit suicide. She even disappeared for more than a month. Could the same thing have happened again?

The Carvers tried to dismiss the idea, but there it was, like an ugly stain they couldn't erase from their minds. At the same time, their granddaughter kept calling, wanting to know if they had heard from Mommy.

After a week had passed, the Carvers filed a missing-persons report with Cambridge police. Several days later, a detective assigned to the case accessed Merrian's bank records. On her credit-card record he found round-trip airfare and a single ticket for a Celebrity Cruise aboard the Mercury. The ship had departed Seattle on Aug. 27 and returned to Vancouver on Sept. 3.

The Carvers were instantly relieved. They finally knew where Merrian had gone. She had taken a vacation. It was the answer they'd hoped for.

But their relief didn't last.

Cruise downplays trouble

As soon as the detective told them Merrian had booked a cruise, Kendall was on the phone with Royal Caribbean International, the parent company of Celebrity Cruises. Had his daughter been a passenger on the ship?

Three days later, the company's risk manager called back with the answer. Nervous with anticipation, Kendall took the call in his office. Only a month earlier, the office had been used for his photography hobby, a place of refuge. Now it was a mess of papers, notes and jotted messages.

Kendall was struck by Royal Caribbean's cooperation and concern. The risk manager was providing him with the thing he needed most: details.

Yes, Merrian had been on the ship. But apparently she had stopped using her cabin after the second night of the cruise. Kendall's voice cracked with alarm. "What?" The manager was quick to reassure, adding that it is common for passengers not to use their rooms.

Perhaps Merrian used a friend's cabin or met someone on board. Yes, Merrian had left some clothes and personal effects in the room, but that also isn't uncommon; guests leave lots of things. When Merrian didn't collect her belongings after the cruise, her clothes had been given to

charity. Her purse, which contained some papers, keys and computer disks, had been put into storage.

Kendall asked the risk manager to open the computer disks and e-mail the contents, hoping it would give him something to go on. Within hours, he had them. But the only things that the disks contained were poems Merrian had written. Kendall and Carol pored over the writing, hoping for clues to Merrian's mind-set and her whereabouts.

Dejected, Kendall called Brian Branley, the Cambridge detective assigned to Merrian's case. He had confirmed Merrian was aboard the ship.

Branley didn't offer much hope. They did have enough to get the cruise line to file a police report. Branley called Royal Caribbean and told it to file a report with Vancouver authorities in case a crime had been committed.

At this point, Merrian had been missing for almost a month, and the Carvers were running out of options. Kendall started to think of his daughter as "gone." He had begun the legal process of taking over her accounts and finances.

But accepting the possibility of their daughter's death did not mean the Carvers understood what happened to Merrian.

Haunted by the idea of giving up on their daughter and frightened that they might have missed something, the Carvers hired private investigators to find out what had happened on that ship.

Suicide or murder?

In November, two months after Merrian's disappearance, California investigator Tim Schmolder met with cruise officials for a tour of the Mercury while it was docked in Monterey.

In his report to the Carvers, Schmolder said Royal Caribbean Cruises Manager Katy Yaziciyan was "initially defensive." Although she agreed to allow Schmolder to walk through the ship, Yaziciyan limited his time to a couple of hours because the ship's crew was scheduled for training that day.

Yaziciyan refused to name a cabin steward who had contact with Merrian during the Alaskan cruise. She said the employee, whom she described simply as a "male Indian," was now working on another ship. Likewise, the hotel manager, who oversees the ship's hotel operations, was on vacation and could not be interviewed.

Yaziciyan also refused to let Schmolder interview the security officer in charge of video surveillance. Video cameras aren't used to track guests, and the tapes are reviewed only after an accident report is filed, she said. They're stored for a couple of weeks before being reused. The tapes from Merrian's cruise would be erased by now.

"It was apparent early on that the level of cooperation from Royal Caribbean was not high enough to produce a thorough investigation," Schmolder reported.

Ship records confirmed that Merrian had never used her Sea Pass, an onboard credit card that also acts as identification. She never bought a single drink or made any other purchase. There also was no record that Merrian left the ship in any port during the cruise. But Yaziciyan acknowledged that the ship does not keep records of passengers getting off in Vancouver.

Schmolder surveyed Merrian's room on the Panorama Deck, more than 100 feet above the waterline. Although her cabin had an ocean view, the windows were bolted shut. Still, Schmolder

said it was a short walk to an elevator or stairs leading up to an open-air deck.

"It seemed highly plausible that someone could go overboard without being observed," Schmolder reported, adding that Merrian's "sudden disappearance is most easily explained by the suicide theory."

But he couldn't rule out foul play on the Mercury. "A harmful encounter with a stranger would almost certainly have been swift and fatal."

The investigator's report made the Carvers angry. It raised as many questions as it answered. Why were cruise officials, who had been so helpful before, suddenly throwing up roadblocks? Didn't they want to find Merrian? Why wouldn't they grant interviews with employees? Kendall decided to force some answers. He put lawyers to work in Massachusetts and Florida. They obtained court-ordered subpoenas for crew members, then made the cruise line comply.

Finally, in January, two Royal Caribbean employees testified in a telephone deposition. The Carvers were stunned. For the first time, they found out that cruise members were actually aware, even concerned, about Merrian's absence. Yet they did nothing about it.

Cabin steward Domingo Monteiro described meeting Merrian on the first day of the cruise. He noticed she was missing two days later. "I told my supervisor that this lady didn't sleep in the room," he said. "He say, 'Do your job.' That's it. He didn't say anything else."

Monteiro said it was not unusual for rooms to go unused. But he noticed \$107 had been left on the dresser, under his name card. Although cruise guests are expected to leave tips for the staff, it's customary to wait until the last day of the cruise.

Monteiro said he didn't take the money. He simply made up the bed, placed the day's program on the coverlet and left the room.

That night, he found the room unchanged, money on the dresser, program on the bed. He turned down the bed as required and left a chocolate in colored tinfoil on the pillow.

The next morning, the chocolate and money remained undisturbed, and he again reported Merrian's absence to his supervisor.

For the remainder of the cruise, Monteiro said he continued making the unused bed in the morning, turning it down in the evening and swapping out the uneaten candies on the pillow. He left a different color for each night. He also kept reporting Merrian's absence to his supervisor.

"I just informed him the lady didn't come in the room. I informed him," Monteiro said.

He said the last time he had seen Merrian was on the second night of the cruise, when he brought her two sandwiches from room service. He also said she did not appear sad, upset, angry or in any way out of sorts.

On the last day of the cruise, Merrian's clothes and belongings were right where she had left them. Monteiro said he collected the money from the dresser, turned it over to his supervisor and asked what to do with Merrian's belongings. The supervisor told him to pack them up and store them in a locker.

Monteiro said he asked the supervisor if they should report it.

"I ask him, and he told me that he will take care of it," he said.

Kendall and Carol were drained. They couldn't believe the cruise line would just pack up their

daughter's belongings and say nothing about her disappearance. They thought the search for Merrian couldn't get any worse. Cover-up alleged

The next day, with the Carvers again listening via telephone, lawyers questioned Christos Hadjipetris, the manager in charge of hotel operations on the ship.

Although ship officials had not acted on Merrian's disappearance, Hadjipetris testified that the company had begun its own internal investigation and had fired Monteiro's supervisor for failing to report Merrian's absence.

The investigation had begun at the end of September, after Branley, the Cambridge detective, had contacted the cruise line. Despite the detective's request, no police report was ever filed in Vancouver. Instead, about five weeks after Merrian's disappearance, Royal Caribbean filed a missing-persons report with the FBI.

Hadjipetris said the supervisor was fired for poor performance. He called it a case of bad judgment, saying, "We felt that it would be better for the (supervisor) and the company that he would not be employed with us anymore."

To the Carvers, it appeared that Royal Caribbean was cleaning house. They wondered what other pieces of the puzzle might have been swept away.

In desperation, Kendall wrote to Royal Caribbean's chairman and board of directors, begging for intervention. Kendall appealed to the director as a former company president, hoping to cut through the legal bureaucracy.

"I am reaching out to you in the hopes of achieving some closure," Kendall wrote. "The response from your corporation's employees and agents has left me with a deep concern that I have been betrayed by, at the least, a failure to disclose, and at the worst, a concerted purposeful cover-up."

Kendall poured his heart into the letter. He wrote that despite all their requests for documents about Merrian and the cruise, the only thing Royal Caribbean had provided was a snapshot of his daughter boarding the ship.

Days passed. Carol watched her husband sink into despair as they waited for a response.

About a week later, Royal Caribbean's risk manager called the Carvers and promised the company would provide any and all information it could.

Kendall quickly asked for security reports, the captain's records, investigation reports and affidavits from employees.

In the middle of February, the Carvers received a copy of a security report about Merrian's disappearance. The Sept. 30 report from Royal Caribbean's manager of fleet security noted that company regulations had been violated. It said the ship's captain, the bridge and the security office should have been notified the moment Merrian disappeared.

The report also suggested Merrian's belongings should not have been moved.

"Evidence found at the scene of an incident must be left where found and must not be touched," the report said. "The ship's security staff must secure the scene and maintain the integrity of the incident scene, ensuring nothing is touched or tampered with, until outside investigators arrive on board."

In March, the entire Carver family was gathered at the United Methodist Church in Paradise Valley. The Carvers had so far spent about \$75,000 looking for their daughter. Now they felt it

was time for a ceremony to remember Merrian.

They refused to call it a memorial service. Merrian's picture was on display. Her poems were put to music. It was both sad and uplifting.

The Carvers recently had cleaned out Merrian's apartment. They kept personal items and gave the rest to charity. But among the family gathered for the ceremony, there was no agreement on Merrian's fate. Even Kendall and Carol disagreed. Kendall thought his daughter was dead. Carol believed Merrian was still alive.

What Kendall felt most was rage at the cruise line. As he thought about Merrian during the service, he decided the only thing left to do was to sue.

Through the spring and summer, the Carvers and their lawyers continued to request documents from Royal Caribbean. But the cruise line didn't respond. Kendall had gotten into a routine, calling and sending e-mails to the police, the Coast Guard and the FBI, trying to keep the search for his daughter alive.

In August, the Carvers sued Royal Caribbean for damages in a Miami court. And when reporters questioned the cruise line about the lawsuit and Merrian's disappearance, the company issued a statement that stunned the Carvers.

Royal Caribbean declared Merrian dead.

"Mrs. Carver had severe emotional problems, had attempted suicide before and appears to have committed suicide on our ship," the cruise line said in the Oct. 26 statement. "The death of Merrian Carver is a horrible tragedy, but, regrettably, there is very little a cruise line, a resort or a hotel can do to prevent someone from committing suicide."

Contacted by *The Arizona Republic*, officials with the cruise line declined to elaborate on the statement, saying the case was in litigation.

For the Carvers, the statement was the ultimate insult. Sitting forward in his chair recently, Kendall jabbed at the one-page statement. He had already typed up a response on his office computer accusing Royal Caribbean of omitting some facts and misstating others.

"This was just their way of trashing Merrian," he said. "That's all this is." He shook his head, ran his hands through his hair and looked at his wife.

"How do they know for sure she is dead?" he said. "Do they know something we don't?"

Dear Mr. Parkin,

My name is Rita Sittig and Christopher Caldwell was my son. He went on a Carnival Fascination cruise July 2004 with his fiancée. On the morning of July 23 (eight days after his 37th birthday) Chris was last seen (on record) by a bar tender at the rear of the boat and he stated to the coast guard that Chris was belligerent and very drunk. BUT he was then allowed to roam the ship rather than anyone caring enough about him to either escort him to his room or lock him up! When his fiancée could not find him at 6:30 am she told the captain and they did a SLIGHT search of the boat, waited until they got into port and had all the passengers get off with their ID cards to make sure that Chris didn't sneak off. But they didn't notify the Coast Guard until AFTER this was done. They were about 15 miles off the Fl. Coast in international waters so it took a while for the coast guard to even get back there to look for him. They searched all day Friday and then called me that night to say they would do a grid search on the tide and would look again at first light. At 5:00 pm on Sat. they called off the search and declared him gone and told us that he probably never survived the fall and that there would most likely not be a body found. Carnival NEVER called us at all! They left port about 2 hours after arriving and telling the coast guard with the bar tender knew.

This has devastated our entire family. Chris was my first child and it's bad enough to lose a child and have a body to bury but we knew nothing and had no body. Chris left behind 3 daughters Jessica 16, Shelby 13 and Kaylee 11. Even though the girls lived with their mother, their daddy was only 15 minutes away in the same town and they were with him on several days a week. They two families remained good friends and spent holidays tighter. I know that sounds strange but it was true. These girls have suffered so much pain and still write to their daddy on his website. www.christopher-caldwell.memory-of.com

I spent the entire first year grieving so hard that I was always sick including a bout with skin cancer. When it came close to the first year anniversary I had to make a choice as to keep grieving so intensely or to honor Chris's memory. I chose to celebrate his birthday rather than the day he died by giving a gift card to a baby born on his birthday. It helped me knowing that our loss was helping a new baby. I still to this day cry at times, I miss him so much. And the fact that I don't really know what happened that night has given me many nightmares. No one wants to have their child suffer. I would NEVER wish this on anyone! Please, I beg of you to make this industry stand accountable for these things. They should not be allowed to have their lawyer go on TV and say it would cost millions of dollars to install security cameras on the ships and that the small number of people disappearing didn't justify the cost. Also you can't escort drunks to their rooms because that would be treating them like babies. Well, let one of their family members disappear and let's see how fast things will change!!!

We, the families, are counting on this congressional meeting to make these people have to be regulated and not just be able to get away with these things.

My granddaughters STILL haven't gotten any SSI because there was no body therefore we had to hire an attorney to have a paper showing Chris was dead.

These still isn't finished. My daughter contacted Carnival numerous times and they were NO help at all.

Thanks you for caring about this situation.

Rita Sittig

Ira and Myrtle Leonard
17 Melrose Avenue
Hamden, Ct. 06518
October 7, 2005

Congressman Christopher Shays
1128 Longworth Building
Washington, D.C. 20515-0704

Dear Congressman Shays:

The Sunday Oct 2, 2005 issue of the *New York Times*, Metro Section, carried Alison Cowan's story, "**Honeymoon Disappearance Haunts Ct. Family**" indicating that you were trying to conduct hearings on cruise safety and to prepare legislation that would "create affirmative obligations and responsibilities for cruise lines in protecting their passengers."

While our tale of woe on Royal Caribbean International's, "*Empress of the Seas*" in June 2004 cannot be compared to the horrific Smith disappearance, we think you and your staff should be apprised of what is the more typical problem encountered on cruises—**grand larceny thefts**—and the legal ability of Royal Caribbean International, among others?, to ignore the crime and simply brush off the victims.

Most cruiseline passengers board the ship feeling it is safe and they are secure and if something happens, the ship's company will rectify it. Our experience with Royal Caribbean International since June 2004 has taught us that there is there is **NO ONE** (not the Federal Maritime Commission, lawyers, the Travel Industry Media, the booking agent, in this case AAA) capable of advocating for the passenger should a major problem occur and has brought us to the realization that the cruise line passenger is entirely on his/her own unless they want to sue, which as it turns out, is not cost effective because of the way the cruise documents are skewed in the cruise line's favor. Furthermore, most lawyers we have spoken to are hesitant to take on cases because of their lack of expertise in Maritime Law and will caution about the expense involved, especially having to sue in a Miami, Florida court as RCI's cruise documents require. This allows the company to ignore safety procedures that are commonly practiced in most US hotels.

If you can get into someone's cabin to steal property and personal identities, why can't you place contraband in the cabin? What about the transit of contraband from cruise ships into American ports— the potential for terrorists – using unwitting passengers to bring in deadly stuff? Since 9/11, whose laws govern cruise ships, maritime law or US law, and has anything changed with respect to cruise ships using places like Bayonne, New Jersey, Miami, etc.?

What follows is a detailed account of what happened to us (documentation available upon request).

While on a cruise aboard Royal Caribbean International *Empress of the Seas* (sailing date, May 29, 2004 from Bayonne, New Jersey), booked by AAA, approximately \$7,000.00 worth of jewelry was stolen from our stateroom, 3020, on the evening of June 2nd and reported to the ship personnel on the morning of June 3rd when we discovered the jewelry was missing. We filed a signed statement using a ship-supplied form (enclosed) with the ship's Chief Security Officer, William MacLaughlin, who conducted a search of our room with Chief Housekeeper Ann Marie. They did not find the jewelry, which was in a small satin turquoise jewelry pouch.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean

International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

We believe the theft occurred because of negligence and security lapses by ship personnel and policies of RCI.

1) SAFES

There was no safe in the room. Royal Caribbean's official cruise booklet said "most rooms" had safes. We found out most rooms did not and that was confirmed by Louis Martins, Guest Relations Manager. A passenger from Huntington, LI said she had called in advance of the sailing and was told her room would have a safe. It did not. In order to use the limited amount of safes in the Guest Relations area, one had to stand in the long guest relations line to have access. This was extremely inconvenient each time one wanted to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the burglary got around, many passengers were carrying their jewelry around with them. When I asked our steward about the safes, he said the room was secure because it could only be entered with the key cards. The steward said there were only three people with access to the room: my husband, me and himself.

2) MULTIPLE KEY CARDS

My wife was issued multiple key cards over a period of two days in order to have proper access to our stateroom.

a. The first key card was issued to her in Bayonne, N.J. as we were about to board the ship. This card didn't work and the steward sent us to Guest Relations. After standing in line for over a half hour, we turned in the card and she received a new key card from Nadine.

b. When I, Myrtle, later discovered the second key card didn't work, I returned to Guest Relations and waited in line another half hour. I was asked if I had changed rooms because the key card I had been given was for someone else's room in the 35 section of the ship (I was in the 30 section). I stated that I had not changed rooms. After some discussion between the two men on duty, I was given a new card and turned in the old key card.

c. I was successfully using the third card until I realized my husband's name was on the key card instead of mine and my name needed to be there in order for me to leave and board the ship. I returned to Guest Relations, stood in line for 18 minutes, turned in that card which worked, and received a fourth key card.

d. It took four key cards to have valid access to my room.

THE KEY CARDS CONTAIN THE ROOM NUMBERS AND SEATING TIME OF DINNER

The key cards had the last 3 digits (020) of our four digit room number (3020) on them as well as our dinner seating time of 8:30. Anyone with knowledge of the ship would know exactly when we would not be in our room and could try 3020, 4020, etc. On a previous cruise on Enchantment of the Seas, our key card had the whole room number on it. **None of the key cards we returned were destroyed in front of us.** Chief Security Officer MacLaughlin told us that they should have been destroyed in front of me. On the Saturday after the burglary, at approximately 3pm, we noticed a staff member in the Guest Relations area cutting up key cards into little pieces. Several other guests noticed it too.

THE KEY CARDS WITH ROOM NUMBERS ON THEM ARE ALSO USED AS CREDIT CARDS ON BOARD AND ARE HANDED OVER TO PERSONNEL WHO WALK OFF WITH THEM TO RECORD TRANSACTIONS.

On Monday, May 31st, we ordered drinks in the Schooner Lounge at 11 p.m., handing our key card to the waitress. When neither the drinks nor the card had arrived by 11:45, we went looking for her. She said she had asked another person to deliver our drinks. As a courtesy for the inconvenience, we were not charged for the drinks. However, there is a grave question of security here since the card with our room number was out of our presence for 45 minutes.

3) REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

We feel the incidents described above are signs of negligence and lack of concern for passenger security by Royal Caribbean. If we were given a key to someone else's room, how do we know someone wasn't given one to ours? The third key card that worked and contained our room and dinner information was not destroyed in front of us. What happened to it? What can happen when key cards are given to transact purchases and are out of sight of the passengers or "guests" as RCI likes to call us? Aside from the theft, what about the inconvenience we endured standing in lines because of staff negligence issuing 4 key cards to have valid access to our room? Another concern: if someone has access to the room to steal something, can they not come in and plant something (drugs, gems, bombs) —what kind of security is that? RCI officials Betty Taillefer, President Jack Williams and Executive Vice President Adam Goldstein refused even to discuss or take any responsibility for the conditions that made the jewelry theft or the "unfortunate incident," as they refer to it, possible.

4) The Aftermath:

We reported the grand larceny to the Company Headquarters as instructed

On June 9th, the day after we arrived home we telephoned and reported the burglary to Royal Caribbean Representative, Ms. Betty Taillefer, Personal Property, Guest Relations, in Miami. She told us she had not received any papers from *Empress of the Seas*. As per her instructions, we sent her a detailed written statement, including the ship-supplied form and faxed her additional statements clarifying remarks made to her that day and again on June 29, 2004 faxed her additional information to strengthen our case for reimbursement.

Ms. Betty Taillefer, sent us a form letter, dated June 30th, 2004 in which she dismissed company responsibility, officially referring to the theft as the "unfortunate incident". The letter referred us to the terms of the cruise documents. We are file number #NE 05/29/04 BK3158907.

We wrote to the President of RCI

We then sent a letter to the President of Royal Caribbean International, Mr. Jack Williams on July 12, 2004 requesting a mutually acceptable agreement by August 2, 2004. He did not respond to

the letter, but we received a second copy of Ms. Betty Taillefer's form letter, this time dated August 10th.

We sent letters to the booking agent, AAA

As soon as we returned home, we also informed our travel agent, Mr. Henri Gautschi at AAA World Wide Travel, 55 Dorrance St., Providence, RI 02903 and sent him the same material sent to RCI. Mr. Gautschi told us he was forwarding our information to their Royal Caribbean District Manager. We followed this up with letters directly to the President of AAA.

We wrote to lawyers

We spoke and corresponded with several travel agents and Connecticut lawyers who all agreed we had grounds for a negligence case, but concluded the case would have to be filed in Miami, FL to comply with RCI's cruise documents, and the costs of litigation would far exceed the amount of our loss.

We had a Florida attorney write to RCI President, Jack Williams with a copy to Adam M. Goldstein, RCI Executive Vice President on November 30, 2004 requesting a response to our request for settlement before we made Royal Caribbean's negligence and lack of security procedures on the ship known to the media. That letter, too, was ignored.

We reported the grand larceny to the Federal Maritime Commission

We reported the theft to the Federal Maritime Commission on August 4, 2004 and received a file number 04-A-6-642. Ms. Pearl Carr-Notice (202 523-5807), of the FMC informed us that the agency sought to act as an intermediary and work out solutions, but it had no coercive power to do so. On January 26, 2005, Ms. Carr-Notice said she contacted Ms. Betty Taillefer on January 25th and Ms. Taillefer referred her to the cruise documents. Ms. Carr-Notice told us she requested Ms. Taillefer to send her a copy of Security Chief MacLaughlin's report, but it has not been forthcoming. In a letter faxed to Ms. Carr-Notice, dated February 9, 2005 (enclosed), Ms. Taillefer, asserted: "WE HAVE CONTACTED OUR VESSEL AND NO NOTICE OF INCIDENT WAS REPORTED ON BOARD." More than nine months after we reported the burglary to RCI, which included our handwritten statement on the RCI-generated form, the company representative told the Federal Maritime Commission that "no notice of incident was reported on board."

We contacted the Travel Media

We contacted the CondeNast Travel and Leisure Ombudsman who informed us that thefts were so frequent on cruises that his magazine cannot deal with the issue. The Manager of the Consumer Complaint Column of *Travel and Leisure* did not even have the courtesy to respond to our two letters outlining the issue.

On April 20, 2005 we wrote to Captain Howard A. Newhoff, Security Manager for Royal Caribbean International, asking for the official report of the grand larceny to some law enforcement agency and received a letter from the company representative, Betty Taillefer, indicating that RCI (and all other cruise lines?) did not have to report thefts—grand larcenies on shipboard—of less than \$10,000! Bingo!

Finally, we understood: The Cruiselines are immune to the laws of the United States and citizens board at their own risk, and we found the answer to our question: to whom can American citizens turn to when they are victimized on a cruise?

Congressman Shays, after reading our correspondence, kindly have your staff ask RCI for our file of correspondence to verify our assertions and then do something about this kind of lunacy.

Thank you.



Sincerely yours,

You might ask what the devil we were doing with \$7,000 dollars worth of jewelry (gifts accumulated over a 42 year marriage) on a cruise? This was to be the holiday cruise, with all the trimmings, wearing of a tux and evening gowns for cruise "formal nights," etc. and lots of fun, as advertised by the cruise line.

P.S.

Some of the issues:

****Just how many thefts are committed on cruise ships and how many are never reported by the cruise companies. What are the actual industry stats? And who has those statistics?***

****How well does the cruise company protect its "guests" and take care of them when there is "an unfortunate incident?"***

****How well is the AAA, with millions of members and which books thousands of its members on RCI cruises, able to do something for its victimized members, who it booked on the cruise?***

****How well do US Government agencies help American citizens victimized on a cruise?***

****How well does the travel industry media oversee the industry in the interest of the consumers?***

To Repeat: If you can get into someone's cabin to steal property and personal identities, why can't you place contraband in the cabin? What about the transit of contraband from cruise ships into American ports-- the potential for terrorists -- using unwitting passengers to bring in deadly stuff? Since 9/11, whose laws govern cruise ships, maritime law or US law, and has anything changed with respect to cruise ships using places like Bayonne, New Jersey, Miami, etc.?

P. P.S. Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

An example is ebay's feedback system.

enclosure #1

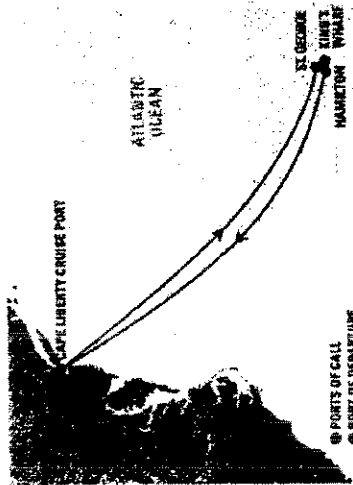
Leonard

Cruise Summary

8 NIGHT BERMUDA CRUISE

aboard

EMPRESS OF THE SEAS



RESERVATION ID: 3156907

SAILING DATE: 29 MAY 2004

SAILING FROM: CAPE LIBERTY CRUISE PORT, NJ

BOARDING AT: 03:00 p

SAILING TIME: 05:30 p

DINING SEATING: Main

STATEROOM:

NUMBER:

3020

DECK:

DECK THREE

CATEGORY:

I

If this symbol * is indicated next to your Dining Seating assignment, your primary request for dining has NOT been accommodated. While we will make every effort to accommodate your request up to the day of sailing, your desired seating may not become available due to high demand. When you check-in, please check your SeaPass card, it will indicate the final outcome of your seating request.

Travel Itinerary

		Arrive	Depart
CRUISE ITINERARY:			
MAY 29	CAPE LIBERTY CRUISE PORT, NJ		05:30p
MAY 30	AT SEA		
MAY 31	ST. GEORGE ISLAND, BERMUDA	12:00p	
JUN 1	DA		06:00a
JUN 1	ST. GEORGE ISLAND, BERMUDA		
JUN 2	DA		07:30a
JUN 2	KINGS WHARF, BERMUDA		
JUN 3	KINGS WHARF, BERMUDA		12:30p
JUN 3	KINGS WHARF, BERMUDA		
JUN 4	HAMILTON, BERMUDA	02:00p	
JUN 4	HAMILTON, BERMUDA		04:00p
JUN 5	AT SEA		
JUN 6	CAPE LIBERTY CRUISE PORT, NJ	09:30a	

Weather or itinerary changes may alter this schedule.



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

tel: 305-39-6000
www.royalcaribbean.com

enclosure # 2

Leonard

June 30, 2004

Myrtle Leonard
17 Melrose Ave
Hamden, Ct 06518

RE: NE 05/29/04 BK # 3156907


Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,


Betty Taillefer
Personal Property
Guest Claims

enclosure # 3

Leonard

52



AAA WORLD WIDE TRAVEL/HENRY
55 DORRANCE STREET
PROVIDENCE, RI - 02903
UNITED STATES

Crown & Anchor Membership #
IRA LEONARD 310207099
MYRTLE LEONARD 310207086

EMPRESS OF THE SEAS
Sailing: 29 MAY 2004
Group ID: Not Applicable
Reservation ID# 3156907

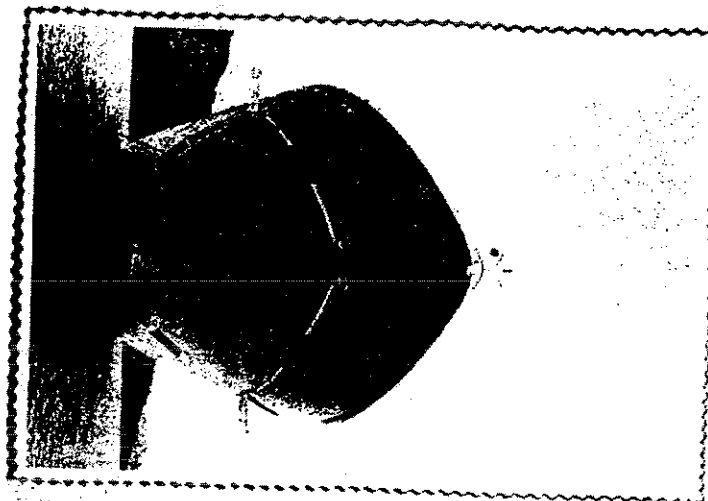


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CRUISE VACATION GUIDE

Getting ready • Getting to the ship • Getting settled



CRUISE VACATION GUIDE

SPECIAL OCCASION GIFTS

TUXEDOS

enclosure # 4

GETTING SETTLED

Your check-in is complete, and you've settled into your stateroom.
Now, all you have to do is open your door and explore.

HOW DO I PAY FOR ONBOARD PURCHASES?

Royal Caribbean offers SeaPass™, a convenient way for you to pay for all of your onboard purchases and shore excursions. To open up a SeaPass™ account, just present your Visa, MasterCard, American Express, Carte Blanche, Omega, Diners Club International, JCB or Discover Card and we'll take care of everything. On the final morning of your cruise vacation, an itemized statement of your account will be delivered to your stateroom. We accept cash in the casino, for gratuities and for foreign exchange on applicable itineraries.

WHAT ABOUT CASH, CHECKS AND FOREIGN CURRENCY?

Guest Relations at the Purser's Desk or casino can cash a personal check for up to \$200 - or for \$250, if you are an American Express cardholder. Personal checks are not accepted for purchases aboard the ship. U.S. dollars and traveler's checks are accepted in most ports. Guest Relations at the Purser's Desk will cash traveler's checks, large U.S. bills, Canadian dollars and pounds sterling on applicable itineraries and currencies. (No exchange service in Asia or South America for local currency. In Europe, all ports offer exchange services.)

CAN I CALL HOME FROM THE SHIP?

You can make ship-to-shore calls from your stateroom, 24 hours a day. The cost is \$7.95 per minute and will be automatically charged to your SeaPass™ account.

WILL MY FRIENDS AND FAMILY BE ABLE TO CONTACT THE SHIP?

Your friends and family can contact the ship by dialing (888) 724-SHIP (7447). Call (732) 335-3285 for access outside the U.S. The cost is \$7.95 per minute and can be charged to their American

Express, MasterCard or Discover.
(From outside the U.S., additional long distance charges will apply.)

IS THERE A CODE OF CONDUCT?

For the safety and comfort of our guests, Royal Caribbean has developed a set of Guest Vacation Guidelines for both adults and children. If Royal Caribbean determines that certain guests are in violation of these guidelines, we may be forced to ask the offending party to leave the ship at the next available port of call. Please make sure to familiarize yourself with these guidelines, which are located in the Guest Services Directory found in your stateroom.

IS THERE A SAFE PLACE TO STORE MY VALUABLES?

A limited number of safety deposit boxes are available at Guest Relations at the Purser's Desk, free of charge to our guests. In addition, safes are available in most staterooms.

TIPPING GUIDELINES

To thank those who have served you well, we suggest the following guidelines:

- Dining room waiter: \$3.50 a day per guest
- Stateroom Attendant: \$3.50 a day per guest
- Assistant waiter: \$2.00 a day per guest
- On 3 and 4-night cruises headwaiters are generally tipped \$2.50 per guest for the cruise.
- On 7-night or longer cruises, headwaiter gratuities are at your discretion.
- Gratuities for other service personnel are at your discretion.

Please note: All gratuities must be paid in cash in U.S. dollars or charged to your SeaPass™ account. A 15% gratuity will be automatically added to your bar bill or wine check when you are served.

CRUISE VACATION GUIDE

SPECIAL OCCASION GIFTS



Royal Caribbean

Get out there™

SPECIAL OCCASION GIFTS

enclosure # 5

020 last
3 digits of
room 3020



SeaPass
MAY 29, 2004

M/S EMPRESS OF THE SEAS
LEONARD, MYRTLE

DINING ROOM: Carmen

SEATING: SECOND 08:30 PM

TABLE NO: 060

C/O 001020

FOCUS NO: 38659049

GOLD MEMBER

when we are
at
dinner



PLEASE SIGN YOUR NAME

For your security, you will be asked to show this card
at the gangway, when re-boarding the ship & when
making purchases throughout the ship.
Please keep this card with you throughout the cruise.
If lost, notify the Guest Relations Desk immediately.

PN 60A083-S

602968 18

STATEMENT FORM

Total Number of Pages: 121

Full Name of Person Making Statement: Myrtle Leonard MYRTLE LEONARD

Full Address: 17 MELROSE AVE
HAMDEN CT 06518

Telephone Number(Home): (203) 248-1769

Telephone Number(Business):

Citizen of: USA

Occupation: Retired

Age: 67

Date of Birth: 09/04/36

Time Statement Started: 1800

Time Statement Finished: 1830

Date: June 3, 2004

Statement Taken By: Self

Vessel Name: Nordic Empress

Cabin Number: 3020

Turquoise satin pouch with jewelry
① diamond ring with 6 diamonds set in gold
Value 1980's approx 2,500 -

② diamond earrings clustered small diamonds
\$700-1000

③ gold link bracelet \$700.00

④ gold hoop earrings \$300

⑤ black onyx pendant approx \$150.00

I last used the pouch morning June 2nd
approx 9:30 - 10:00 am. I kept it in a suitcase
with several other bags of costume jewelry, a dress,
bathrobe and some hangers. This morning
June 3rd I went to get it and it was gone.
My husband and I searched the room for it for
approx 2 hrs - over and over going through
everything in the room. We asked the Steward if

STATEMENT FORM - CONTINUATION PAGE

Total Number of Pages: 282

Statement of: Myrtle Leonard

Date:

Continuation Page Number: of Total Pages

anyone else was in the room besides him. He said "No" and told us to report it to the purser and he would tell his supervisor. We reported it to Nadine in customer service. She made some notes and told us to check the safety deposit box at her area which we did but it wasn't in there. She told us to check back tonight if we hadn't found it. This was 11:45-12 noon.

Approx 1:45 pm The steward's supervisor came, Cathy ~~Monroe~~ Monroe, and I filled out a form of what was lost and we gave her permission to search the room with security while we went on of tour at 2:30 pm.

When we returned to our room at 5:30 we had a message from Luis to call him which I did and he sent Chief security and Chief house keeper to do the search at 6 pm.

Note

The ~~pass~~ boarding pass is my 4th. The first one and the second didn't work. The 3rd one worked, but had my husband's name on it, so I went back up and received another pass my 4th which I am now using. I got the 4th pass on Sunday, May 30.

Myrtle Leonard

Signature

Retain for 1 Year

Statement: Myrtle S. Leonard/1

Myrtle S. Leonard
17 Melrose Avenue
Hamden, Ct. 06518

June 9, 2004

Crown and Anchor Society #310207086
Cruise Booked by AAA Southern New England
Henri Gautschi, Travel Agent,
55 Dorrance Street
Providence, RI 02903-2200
(401) 272-7100

To: Royal Caribbean International

Betty at Fax 3055398101

Pursuant to our phone conversation, the morning of June 9, 2004, regarding the robbery of my jewelry aboard the Empress of the Seas, May 29, 2004 sailing date, I am enclosing a copy of my statement form given to the Chief Security Officer William MacLaughlin on June 3, 2004.

SOME ADDITIONAL INFORMATION:

Re: MISSING JEWELRY:

Also missing: Mobe Pearl earrings with small diamonds. I realized this on Friday, June 4th when it was the 2nd Formal Night. I reported it to the Chief Security Officer approximately 4pm that afternoon as we were speaking on Deck 10. He wrote it in his book and said he would include it in his report.. My report had already been turned in. Since returning home, I have the receipt for these earrings, purchased at \$518.45.

Statement: Myrtle S. Leonard/2

All of the missing jewelry with the exception of the gold link bracelet was purchased through Ross Simon Jewelers, 9 Ross Simon Dr., Cranston, R.I. 02920-446 tel. 1-800 556-7376. I have receipts for everything except the diamond earrings and they are sending me a statement for those from their files. All of the jewelry was purchased via catalogue except for the ring which was purchased in the Cranston store.

1. The Ring. I reported it had 6 marquise diamonds, but the appraisal states 9, which is correct. I was extremely flustered and upset at the time and trying to be as accurate and truthful as possible. I could not even remember the word marquise and drew a picture of a diamond instead on the report. I have an appraisal dated August 29, 1990 which values it at \$2,750.00. This was my favorite ring and it was one of a kind. It wasn't from the catalogue. I don't yet know what it would take to replicate it.
2. Diamond earrings . Still available in Ross Simon Catalogue \$898.00.
3. Gold Link Bracelet. Received this past Christmas purchased from Heavenly Treasures catalogue, 321 Main St. Allenhurst, New Jersey 07711 tel. 1-800 269-4637. 1 B21787-14K gold and Hammered oval link bracelet 7" \$629.95. I have receipt and letter from them.
4. Gold Hoop Earrings . Purchased from Ross Simon Catalogue \$199.95. Still available.
5. Black Onyx Tear Drop Pendant. Receipt lists at \$82.06_j in catalogue as \$99.00 (I had a discount coupon). I valued it at \$150 in my statement because it was on a gold chain. The chain was a gift and I didn't know the real value.
6. Mobe Pearl Earrings. Discussed above, \$518. Still available in catalogue.

OTHER ADDITIONAL INFORMATION:

SAFES: There was no safe in the room. Royal Caribbean's official booklet said "most rooms" had safes. I found out later from several staff members that most rooms did not.

Statement: Myrtle S. Leonard/3

One passenger from Huntington, Long Island told me she had called in advance of the sailing and was told there were safes. Her room did not have one. We used the Safety Deposit Box for our cash. To use the deposit box one had to stand in Guest Relations line averaging 20 minutes. This was extremely inconvenient to get to the box to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the robbery got around, many passengers were carrying their jewelry around with them. Upon arriving in our stateroom, my first question to the steward was, "Where is the safe?" He said there was none, but the rooms were secure because of the boarding cards and he was the only one who would be in my room.

MULTIPLE BOARDING CARDS: As you can see from my original statement, it took 4 passes/cards to get it right. None of the first three were destroyed in front of me. Keep in mind, the third pass worked, but it had my husband's name on it as I later realized. I needed to have it redone with my name to get off the ship at St George, hence the 4th pass. By this time, I was getting annoyed because I had to go up and stand in line again--18 minutes! The third pass worked, but it had my husband's name on it. I have no idea what happened to it after I turned it in to receive a fourth pass with my name on it. But I do know that it was opening the door to my room. The Chief Security Officer said the cards should have been cut up in front of me. Interestingly, on Saturday afternoon at approximately 3pm, I noticed a staff member in the Guest Relations area cutting up cards into little pieces. Several other guests noted it, too!

PROBLEM WITH CABIN DOOR : May 29th and 30th our cabin door did not automatically lock right away when leaving the room. We stayed a minute or two before it would click and then be locked. The steward reported it and it was fixed by maintenance men on Sunday, May 30th. This should also be in the Chief Security Officer's report.

Statement: Myrtle S. Leonard/4

REPORTING THE ROBBERY: As stated in my report, after discovering the loss, my husband and I spent 2 hours going through everything over and over as we did not want to make any false accusations. We told the steward and he sent us up to Guest Relations. This was approximately 11:45 am. Nadine said if we didn't find it by that evening, she would report it. We told her we had been through everything over and over, but she said guests usually end up finding their missing things. When we went back to our room, the steward was very upset and said "We can't wait til tonight. That's not proper procedure" and his supervisor Cathy Munro came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security while we were not there. When we returned at 5:30pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

OVERVIEW:

I wish to compliment you on your staff. They were extremely helpful and kind. Our steward, Bertram Burkes who has been with the ship for 14 years, pampered us from the moment we arrived on board---we couldn't have had better service at a 5 star hotel, Guest Relations Manager, Luis Martins, at our request, gave us the package of the official cruise pictures showing me wearing some of the jewelry, gratis. We also have our own pictures and some passengers are sending us theirs. Mr. Martins gave us his card and your company card and said, "Royal Caribbean has the reputation of doing the right thing."

We were enjoying the cruise until the jewelry was missing. We were traveling with 2 other couples. The men brought their tuxedos and suits and the ladies brought formal dresses. We decided to do it up and dress formally and nicely the other nights. Everything was fun.

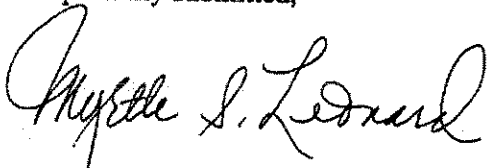
Statement: Myrtle S. Leonard/5

Then, of course, the cruise became a nightmare; we took the obligatory tour we had paid for. I told myself I wasn't going to let the robbery ruin my vacation, but of course, that's all I could think about for the rest of the trip. I lost my appetite and had trouble sleeping. I'm probably one of very few people who went on a cruise and lost weight.

REMEDY:

I feel that Royal Caribbean was negligent in the instances described above. My jewelry was not insured and can be easily replaced by your company with the exception of the ring, which unfortunately happens to be my favorite piece of jewelry. That would have to be worked out. I am not looking to gain anything I did not have upon my arrival on the ship. I simply want my jewelry replaced. If Royal Caribbean wants to do anything additional to make up for the sad ending of my cruise, that's entirely up to you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Myrtle S. Leonard". The signature is written in dark ink and is positioned above the printed name.

Myrtle S. Leonard

All jewelry receipts, ring appraisal, and catalog number for jewelry can be supplied upon request.

Leonard

Updated Inventory of Stolen Jewelry

Freeform diamond ring June '04 appraisal (I do not yet know what a jeweler would charge to replicate the ring)	\$3,995.00
Diamond cluster earrings \$998. + 6% tax	\$1,058.00
18K Concave hoop earrings \$199.00+6% tax	\$211.95
postage/handling for both earrings above were combined	\$31.59
Gold Link Bracelet \$629.95 plus postage and handling	\$654.90
Black Onyx Tear Drop Pendant. \$99.95 +6% tax +p/h \$12.95	\$118.90
**(Gold chain not listed separately, although referred to on previous lists because pendant was on it and chain was a gift. It is a 24" 14K gold mesh chain valued at approx. \$185.00. As it was a gift, I have no receipt. I do have a picture of me wearing it).	
	\$185.00
Mobe Pearl Earrings.	\$518.45
(I learned yesterday, the Mobe Pearl Earrings and hoop earrings are no longer available.)	

The most honest and accurate total of my lost jewelry is approximately \$6773.79

Myrtle S. Leonard

LEONARD

Personal Property Appraisal

ROSS SIMONS

Appraised for:
Myrtle Leonard
17 Melrose Avenue
Hamden, CT 06518

Westlums Mall
64 Westlums Mall
Hamden, Connecticut 06512
Tel (860) 561-2265
Toll-Free (800) 310-1617
Fax (860) 561-2275

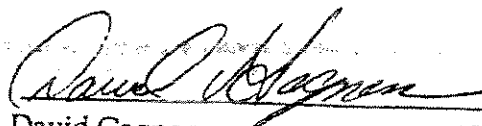
Date: June 24, 2004

DESCRIPTION OF ARTICLE(S)

VALUE

One ladies 14kt yellow gold freeform diamond ring weighing 4.2 grams
Including the diamonds. The ring consists of nine marquise diamonds
Weighing a total of 1.44 carats. The diamonds have an average clarity
Grade of SI - 1 and a color grade range of G/H.

\$3225.00



David Gagnon
Store Manager

APPRAISER

DISCLAIMER: Measurements provided herein are based on visual inspection and are not guaranteed. The appraiser is not responsible for the accuracy of the information provided herein. The appraiser is not responsible for the accuracy of the information provided herein. The appraiser is not responsible for the accuracy of the information provided herein.



June 30, 2004

Myrtle Leonard
17 Melrose Ave
Hamden, Ct 06518

RE: NE 05/29/04 BK # 3156907

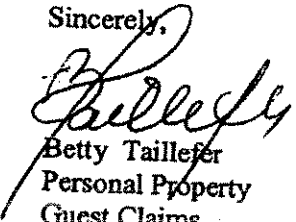
Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,


Betty Taillefer
Personal Property
Guest Claims

Ira and Myrtle Leonard
17 Melrose Avenue
Hamden, Ct 06518
July 12, 2004

Mr. Jack Williams
President, ROYAL CARIBBEAN INTERNATIONAL
1050 Caribbean Way,
Miami FL 33132

Dear Mr. Williams:

Enclosed you will find a copy of the form letter response from Betty Taillefer at ROYAL CARIBBEAN INTERNATIONAL about our "unfortunate incident" while on a recent 8-day cruise to Bermuda. The "unfortunate incident" was a robbery of jewelry from our stateroom, which we believe was due to negligence by your company representatives.

Kindly examine the file, # NE 05/29/04 BK# 3156907, which should include our statements of June 3, 2004, June 9, 2004, and June 29, 2004.

If an amicable and mutually acceptable agreement can not be reached with ROYAL CARIBBEAN INTERNATIONAL by August 2, 2004 we will turn the case over to an attorney in Florida and will contact the travel news media including but not limited to the OMBUDSMAN at CONDE NAST and to the Manager of the Consumer Complaint Column in TRAVEL & LEISURE about the problems we had on the *Empress of the Seas* that led to this "unfortunate incident".

Respectfully submitted,

Myrtle Leonard
Ira Leonard

Crown and Anchor Society #310207086
Cruise Booked by AAA Southern New England



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33112

Tel: 305 539 6000
www.royalcaribbean.com

August 10, 2004

Ira & Myrtle Leonard
17 Melsrose Ave
Hamden, Ct 06518

RE: N.E. Bk # 3156907 s/d 5/29/04

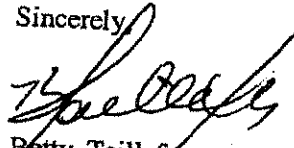
Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items (jewelry). All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,


Betty Taillefer
Personal Property
Guest Claims



1050 Caribbean Way
Miami, FL 33132

tel 305.539.6000
www.royalcaribbean.com

February 9, 2005

Federal Maritime Commission
Attn: Pear Carr-Notice
Fax 202-275-0059

Subject: Ira & Myrtle Leonard - 21:04-A-6-649

RE: NV Bk # 9536931 S/D 01/08/05

Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

We have contacted our vessel and no notice of incident was reported on board.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,

Betty Taillefer
Personal Property
Guest Claims

Condé Nast Traveler

TRUTH IN TRAVEL

February 22, 2005

Ira M. and Myrtle S. Leonard
17 Melrose Avenue
Hamden, CT 06518

Dear Mr. and Mrs. Leonard:

Thank you for your letter to the Ombudsman.

While it does not appear we can assist further with your complaint against Royal Caribbean Cruise Lines, we do appreciate the information you sent regarding your experience. We have received many letters involving the theft of a guest's belongings while onboard a cruise, some involving numerous concerns regarding the company's security policies, others from those who have encountered nothing out of the ordinary. Unfortunately, regardless of circumstances, unless negligence can be substantively proven (something we do not have the means nor the authority to investigate), its liability is extremely limited, as dictated by maritime and/or local laws. Any decision to compensate beyond the company's legal obligation (which, in most cases, is either nothing or a nominal amount at best) must be left to its discretion.

I wish we could do more to assist, but I thank you for contacting us, and wish you the very best in your future travels.

Sincerely,



Eric Jordan
Ombudsman column



110 Royal Little Drive
Providence, RI 02904-1863
Tel: 401-868-2000
aaa.com

March 31, 2005

Mr. & Mrs. Ira Leonard
17 Melrose Avenue
Hamden, CT 06518

Dear Mr. & Mrs. Leonard,

Your letter of March 19, 2005 to AAA's National Office has been referred to me for investigation and response. Let me start by saying that everyone at AAA Southern New England understands how devastating it must have been to suffer the loss of so much valuable jewelry.

We are aware of the steps you have taken to bring this matter to the attention of authorities at Royal Caribbean Cruise Line (RCCL). Having also made contact with our regional representative on your behalf, it's our belief that the management of RCCL has made a final decision in this matter, as they have communicated to you. While we would like to be of further help to you, the Passenger Ticket Contract is very explicit regarding limitations to RCCL's liability.

We regret that we cannot offer more assistance in this matter.

Sincerely,


John E. Martin
Director, Member Relations

Cc: William Sutherland, V.P. Travel
Karen Dunn, AAA National Member Relations

Serving over 2,000,000 AAA Members in Southern New England

Travel

Insurance

Financial Services

C

C

C

Ira and Myrtle Leonard myrtsl@yahoo.com
17 Melrose Avenue
Hamden, Ct 06518
April 20, 2005

Captain Howard A. Newhoff,
Security Manager,
ROYAL CARIBBEAN INTERNATIONAL
1050 Caribbean Way,
Miami FL 33132

Dear Captain Newhoff:

We are seeking information about a theft of our property that took place on the evening of June 2, 2004 while on a Royal Caribbean International Cruise line ship, *Empress of the Seas* (formerly the *Nordic Empress*).

We have been unable to obtain any information about how Royal Caribbean International handled this criminal act.

Even the Federal Maritime Commission has been unable to find out from RCI whether this burglary, which we reported to the ship's personnel, specifically to the ship's Chief of Security William McLaughlin and which he investigated, was ever reported by RCI to any official law enforcement or government agency.

D.G.Taylor, Freedom of Information Officer of The US Coast Guard, told us that "crime statistics for cruise ships are captured by the national law enforcement agency for the nation in which the vessel is registered." But we have also heard that RCI might direct such information to the Federal Bureau of Investigation.

- 1) Please send us the name and address of the appropriate individual in the agency of the Bahamas Government agency to which RCI was required to send this information or in the Federal Bureau of Investigation.
- 2) Please send us a copy of the official report of the theft by the then ship's Chief Security Officer, William MacLaughlin.

Here is a brief account which will explain why we are making this request of you.

While on a cruise aboard Royal Caribbean International *Empress of the Seas* (sailing date, May 29, 2004 from Bayonne, New Jersey), approximately \$7,000.00 worth of jewelry was stolen from our stateroom, 3020, on the evening of June 2nd and reported to the ship personnel on the morning of June 3rd when we discovered the jewelry was missing. The **enclosed signed, handwritten, statement** -- on a form given to us -- was filed with the ship's Chief Security Officer, William MacLaughlin, who conducted a search of our room with Chief Housekeeper Ann Marie. They did not find the jewelry, which was in a small satin turquoise jewelry pouch.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

We reported the burglary to Royal Caribbean Representative Betty Taillefer, Personal Property, Guest Relations, in Miami, on June 9th, the day after we arrived home. Pursuant to our phone conversation with her, in which she told us she had not received any papers from *Empress of the Seas*, we faxed her a detailed, written statement, including a copy of our shipboard statement along with evidence about ship security breaches before and after the theft and again faxed her additional information on June 29, 2004.

Ms. Betty Taillefer, sent us the enclosed form letter, dated June 30th, 2004 in which she dismissed company responsibility, officially referring to the theft as the "unfortunate incident". The letter referred us to the terms of the cruise documents. We are RCI file number #NE 05/29/04 BK3158907.

We then sent a letter to the President of Royal Caribbean International, Mr. Jack Williams on July 12, 2004 about this matter. He did not respond to the letter, but we received a second copy of Betty Taillefer's form letter, this time dated August 10th.

We reported the theft to the Federal Maritime Commission on August 4th, received a file number 04-A-6-642. Pearl Carr-Notice (202 523-5807), of the FMC informed us that the agency sought to act as an intermediary and work out solutions, but it had no coercive power to do so. On January 26, 2005 Ms. Carr-Notice said she contacted Betty Taillefer on January 25th and Ms. Taillefer referred her to the cruise documents. Ms. Carr-Notice told us she requested Ms. Taillefer to send her a copy of Security Chief MacLaughlin's report, but it has not been forthcoming and then Ms. Taillefer asserted, in a letter faxed to Ms. Carr-Notice, dated February 9, 2005: **"WE HAVE CONTACTED OUR VESSEL AND NO NOTICE OF INCIDENT WAS REPORTED ON BOARD."**

More than nine months after we reported the burglary to Ms. Taillefer of RCI, which included our handwritten statement on the RCI-generated form, she informed the Federal Maritime Commission that "no notice of incident was reported on board."

Thus we request you, as RCI Security Manager, to tell us the name and address of the appropriate individual in the agency of the Bahamas Government agency to whom RCI reported the theft or the name and address of the appropriate individual in the Federal Bureau of Investigation to whom RCI reported the theft, and, secondly, kindly send us a copy of the official report (of the investigation of the theft of jewelry from our cabin, etc.) by the then ship's Chief Security Officer, William MacLaughlin.

We await your response,

John MacLaughlin

P.S. Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

We will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and their travel agents) to consider when choosing a ship or cruise line.

An example is ebay's feedback system.



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

tel: 305.539.6000
www.royalcaribbean.com

April 27, 2005

Ira & Myrtle Leonard
17 Melrose Ave
Hamden, CT 06518

RE: NE Bk # 3156907 S/D 05/29/04

Dear Guests:

As per our conversation of today, I have explained that we are not required to report alleged thefts with a value less than 10 k.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty Taillefer".

Betty Taillefer
Personal Property
Guest Claims

Ira and Myrtle Leonard (
17 Melrose Avenue
Hamden, Ct 06518
May 11, 2005

Captain Howard A. Newhoff,
Security Manager,
ROYAL CARIBBEAN INTERNATIONAL
1050 Caribbean Way,
Miami FL 33132

Dear Captain Newhoff:

Thank you for your response to our letter of April 20, 2005.

With commendable speed, Ms. Betty Taillefer called to inform us that RCI did not have to report the theft of \$7,000 worth of jewelry from our cabin on the evening of June 2, 2004 because it did not reach the \$10,000 threshold and followed it up, at our request, with a written statement, dated April 27, 2005.

As you are undoubtedly aware, the theft of \$7,000 is grand larceny in every jurisdiction in the United States and we plan to make a full report of this crime to the Bahamas Government, the FBI, and any other appropriate law enforcement agency. We believe thefts and crime should be reported and not be dismissed lightly. Since the crime was never officially reported by RCI to any law enforcement agency, there was, in effect, no crime perpetrated—this simply cannot stand.

1. Toward that end, I would like you to send us a copy of then Chief of Security William MacLaughlin's report of his investigation of the grand larceny scene, the cabin-lock recorder, and ship personnel after the theft happened which we will forward to the above mentioned agencies.

I am certain you and RCI want to cooperate with the reporting and investigation of the grand larceny perpetrated upon us while RCI "guests" on the Empress of the Seas. Not to do so might, in some quarters, be regarded as obstruction of justice.

2. NOW TO THE CENTRAL ISSUE WHICH RCI REFUSES TO DEAL WITH AND WHICH WILL SIMPLY NOT GO AWAY:

The burglary of our cabin and the grand larceny occurred due to negligence and security lapses by ship personnel and policies of RCI which we detailed and documented in statements to the ship's Chief Security Officer and which were all sent to Ms. Betty Taillefer in June 2004. This file, # NE 05/29/04 BK# 3156907, has been available to President Jack Williams (to whom we sent a letter to in July 2004 only to receive the second form letter from Ms. Betty Taillefer referring to "our unfortunate incident"), Vice President Adam Goldstein, and you.

Let us not forget that more than nine months after we reported the burglary, Ms. Betty Taillefer of RCI, informed Ms. Pearl Carr-Notice of the Federal Maritime Commission on February 9, 2005, "We have contacted our vessel and no notice of incident was reported on board."

An attorney in Florida examined the entire file and concluded that the ship personnel were "negligent," as did a Connecticut lawyer and several travel agents we consulted. He wrote to RCI President, Jack Williams with a copy to Adam M. Goldstein, Executive Vice President on November 30, 2004, detailing his reasons for the negligence characterization, and requested a response to our request for a settlement, precisely because of Royal Caribbean's "negligence" and the lack of ship-board security procedures. That letter, too, was ignored.

Since you may not have actually examined our RCI file, # NE 05/29/04 BK# 3156907, which includes our statements to Betty Taillefer of June 3, 2004, June 9, 2004, and June 29, 2004, here are the salient points:

SAFES

There was no safe in the room. Royal Caribbean's official Cruise Document said "most rooms" had safes. We found out most rooms did not and that was confirmed by Louis Martins, Guest Relations Manager. A passenger from Huntington, LI said she had called in advance of the sailing and was told her room would have a safe. It did not. In order to use the limited amount of safes in the Guest Relations area, one had to stand in the long guest relations line to have access. This was extremely inconvenient each time one wanted to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the burglary got around, many passengers were carrying their jewelry around with them.

When I asked our steward about the safes, he said the room was secure because it could only be entered with the key cards. The steward said there were only three people with access to the room: my husband, me and himself.

MULTIPLE KEY CARDS

I was issued multiple key cards over a period of two days in order to have proper access to my stateroom.

A. The first key card was issued to me in Bayonne, N.J. as I was about to board the ship. This card didn't work and the steward sent me to Guest Relations. After standing in line for over a half hour, I turned in the card and received a new key card from Nadine.

B. When I later discovered the second key card didn't work, I returned to Guest Relations and waited in line another half hour. I was asked if I had changed rooms because the key card I had been given was for someone else's room in the 35 section of the ship (I was in the 30 section). I stated that I had not changed rooms. After some discussion between the two men on duty, I was given a new card and turned in the old key card.

C. I was successfully using the third card until I realized my husband's name was on the key card instead of mine and my name needed to be there in order for me to leave and board the ship. I returned to Guest Relations, stood in line for 18 minutes, turned in that card which worked, and received a fourth key card.

D. It took four key cards to have valid access to my room.

THE KEY CARDS CONTAIN THE ROOM NUMBERS AND SEATING TIME OF DINNER

The key cards had the last 3 digits (020) of our four digit room number (3020) on them as well as our dinner seating time of 8:30. Anyone with knowledge of the ship would know exactly when we would not be in our room and could try 3020, 4020, etc. On a previous cruise on *Enchantment of the Seas*, our key card had the whole room number on it. None of the key cards we returned were destroyed in front of us. Chief Security Officer MacLaughlin told us that they should have been destroyed in front of me. On the Saturday after the burglary, at approximately 3pm, I noticed a staff member in the Guest Relations area cutting up key cards into little pieces. Several other guests noticed it too.

THE KEY CARDS WITH ROOM NUMBERS ON THEM ARE ALSO USED AS CREDIT CARDS ON BOARD AND ARE HANDED OVER TO PERSONNEL WHO WALK OFF WITH THEM TO RECORD TRANSACTIONS.

On Monday, May 31st, we ordered drinks in the Schooner Lounge at 11 p.m., handing our key card to the waitress. When neither the drinks nor the card had arrived by 11:45, we went looking for her. She said she had asked another person to deliver our drinks. As a courtesy for the inconvenience, we were not charged for the drinks. However, there is a grave question of security here since the card with our room number was out of our presence for 45 minutes.

REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

We feel the incidents described above are signs of negligence and lack of concern for passenger security by Royal Caribbean. If we were given a key to someone else's room, how do we know someone wasn't given one to ours? The third key card that worked and contained our room and dinner information was not destroyed in front of us. What happened to it? What can happen when key cards are given to transact purchases and are out of sight of the passengers or "guests" as RCI likes to call us? Aside from the theft, what about the inconvenience we endured standing in lines because of staff negligence issuing 4 key cards to have valid access to our room? Another concern is if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that? RCI officials Betty Taillefer, President Jack Williams and Executive Vice President Adam Goldstein refused even to discuss or take any responsibility for the conditions that made the jewelry theft or the "unfortunate incident" possible, as the Taillefer-RCI form letter refers to it.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

Then, more than nine months after we reported the burglary to Ms. Taillefer which included our handwritten statement on the RCI-generated form, she informed the Federal Maritime Commission on February 9, 2005 that "no notice of incident was reported on board." And this was followed by your news delivered by Ms Taillefer that the grand larceny was never reported by RCI to any law enforcement agency and the crime, in effect, never took place!

Most of these things happened to us while we were "guests" on board a Royal Caribbean International ship. Several other passengers have indicated they will confirm this account leading up to what Ms. Taillefer later characterized as "our unfortunate incident".

If RCI management and personnel knew that shipboard thefts are quite common—and what happened to us is not unusual – how, in good conscience, could RCI not provide clear, cautionary statements, in writing, about these dangers, in the CRUISE DOCUMENTS –which the company

relies upon to deflect responsibility for victimizations while on board. If RCI knew but did not say, it is an unconscionable way to do business.

Had we known about the frequency of shipboard thefts, how RCI would treat us, and that grand larcenies of less than \$10,000 were not considered criminal acts and reported to law enforcement agencies, we never have carried any jewelry aboard the *Empress of the Seas*.

Indeed, We probably would not have booked on Royal Caribbean International.

If, however, the grand larceny perpetrated upon us while on an RCI ship is very unusual—an unforeseeable convergence of unpredictable events — then why is RCI so adamant about not "doing the right thing"?

3. The shipboard breaches of security could have enabled smugglers to deposit contraband of varying kinds in our cabin prior to our entering the New York City-Bayonne, New Jersey port facilities. To repeat: if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that?

4. In addition to sending us the information requested above, we ask you to persuade the RCI powers that be to do the "right thing" and compensate us for our loss, do whatever is possible to ensure that such security breaches cannot reoccur, and determine to treat RCI "guests" they way they expect to be treated.

With the availability of the internet, we feel there should be a website for passengers (and travel agents) to report documented thefts of any amount and crimes aboard ships and will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and travel agents) to consider when choosing a ship or cruise line.

Sincerely yours,

Joe McLewand

We wonder:

Did AAA management and personnel know that shipboard thefts are quite common and that the cruise lines would deny any responsibility when the security broke down? If AAA management and personnel knew, how, in good conscience, could AAA not provide clear, cautionary statements, in writing, about these dangers, before it books its members on cruises or in the materials accompanying the CRUISE DOCUMENTS? If AAA knew but did not say, it is an unconscionable way to do business.

If, however, the grand larceny perpetrated upon us while on an RCI ship is very unusual, then why is AAA seemingly so reluctant to intercede on our behalf with RCI?

Here is part of the letter we *just* sent to Captain Howard Newhoff, RCI Security Manager:

"As you are undoubtedly aware, the theft of \$7,000 is grand larceny in every jurisdiction in the United States and we plan to make a full report of this crime to the Bahamas Government, the FBI, and any other appropriate law enforcement agency since there might be some possibility that the jewelry might be found and the criminals captured. Since the crime was never officially reported by RCI to any law enforcement agency, there was, in effect, no grand larceny perpetrated—this simply cannot stand!

"Toward that end, I would like you to send me a copy of then Chief of Security William MacLaughlin's report of his investigation of the grand larceny scene, the cabin-lock recorder, and ship personnel after the theft happened which we will forward to the above mentioned agencies.

"I am certain you and RCI want to cooperate with the reporting and investigation of the grand larceny perpetrated upon two RCI "guests" while on the *Empress of the Seas*. Not to do so might, in some quarters, be regarded as obstruction of justice."

NOW TO THE CENTRAL ISSUE WHICH AAA AND RCI REFUSE TO DEAL WITH BUT SIMPLY WILL NOT GO AWAY:

As we have repeatedly told you, the burglary of our cabin and the grand larceny occurred because of negligence and security lapses by ship personnel and policies of RCI which we detailed and documented in statements to the ship's Chief Security Officer and which were all sent to Ms. Betty Taillefer in June 2004. This file (RCI file, # NE 05/29/04 BK# 315690) has been available to President Jack Williams (to whom we sent a letter to in July 2004 only to receive the second form letter from Ms. Betty Taillefer referring to "our unfortunate incident" (because the RCI Cruise Document made it possible to disclaim responsibility), and RCI Vice President Adam Goldstein.

An attorney in Florida examined the entire file and concluded that the ship personnel were "negligent" (and because of the RCI Cruise Document we would stand virtually no chance trying to take on RCI in Florida), as did a Connecticut lawyer and several travel agents we consulted. He wrote to RCI President, Jack Williams with a copy to Adam M. Goldstein, Executive Vice President on November 30, 2004, detailing his reasons for the negligence characterization and requested a response to our request for a settlement because of Royal Caribbean's "negligence" and the lack of ship-board security procedures. That letter, too, was ignored. (Let us not forget that more than nine months after we reported the burglary, Ms. Betty Taillefer of RCI, informed Ms. Pearl Carr-Notice of the Federal Maritime Commission on February 9, 2005, "We have contacted our vessel and no notice of incident was reported on board."

Virtually all of this information was sent to you, Mr. Darbeinet, on March 19, 2005—and we specifically requested you to follow this up with RCI. What we got was Mr. John E. Martin's sorry-AAA-booked-you-

on- RCI-but-AAA-can-do-nothing-about-it letter. AAA with millions of members and which books thousands (?) of them on RCI cruises can do nothing, said Mr. Martin, because RCI considers the case "closed." Mr. Darbeinet, that was precisely why we wrote to you in the first place.

For the last time, here are the salient details. *How do you think these details might be regarded by objective observers?*

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REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

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All of these things happened to us while we were "guests" of Royal Caribbean International. Several other passengers have indicated they will confirm our account of the events leading up to what Ms. Taillefer later characterized as "our unfortunate incident".

A travel agent we recently met while attending a wedding in DC, upon hearing our story, immediately suggested we send this information to *Travel Weekly*, of which he gave us a copy. He felt most travel agents would not want to book their clients into our situation, especially with *multiple key cards*, etc. and then be treated so "contemptuously by the parent company" (his words).

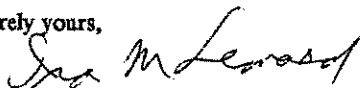
Lastly, the shipboard breaches of security could have enabled smugglers to deposit contraband of varying kinds in our cabin prior to our entering the New York City-Bayonne, New Jersey port facilities. To repeat: if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that? This represents a potential threat of significant proportions.

ALL WE ASK OF AAA, OF YOU MR. DARBEINET AND NATIONAL AAA MANAGEMENT, IS TO

- 1) PERSUADE RCI TO DO THE "RIGHT THING" FOR US;
- 2) PERSUADE RCI TO CORRECT ITS METHODS OF DEALING WITH VICTIMIZED "GUESTS;" AND,
- 3) PERSUADE RCI TO SOLVE THE SHIPBOARD SECURITY PROBLEMS WE ENCOUNTERED, IN THE INTEREST OF FUTURE AAA-BOOKED MEMBERS AND OTHERS ON RCI CRUISES.

We have repeatedly informed you of the security and other problems we encountered as guests booked by AAA on Royal Caribbean International cruise line, which is now part of our file.

Sincerely yours,



Cc: Karen Dum, Coordinator, AAA National Member Relations
William Sutherland, Vice President, Travel
John E. Martin, Southern New England AAA Director of Member Relations

P.S:

Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

We will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and their travel agents) to consider when choosing a ship or cruise line.

An example is ebay's feedback system.

December 10, 2005

Dear Congressmen:

My name is Brett Rivkind. I am a Maritime attorney in Miami, Florida. I have been practicing Maritime Personal Injury and Wrongful Death litigation since 1983. Initially, upon my graduation from law school, I worked for a defense firm, defending cruise lines in personal injury actions. After a few years, I decided to do Plaintiff's work, and I have been pursuing actions against cruise line companies ever since, which involve Personal Injuries, Wrongful Death, including sexual assaults aboard cruise ships.

As everyone knows, there has been increasing awareness and attention to the number of sexual assaults that have been reported aboard cruise ships. Unfortunately, over my career, I have never seen any requirements of keeping reliable data concerning the number of sexual assaults, or reported criminal activity, aboard cruise ships. I believe the cruise ships have reported that they do not maintain statistics regarding the number of reported sexual assaults, or other criminal activity aboard their cruise ships, nor are any reliable data maintained concerning the number of passengers who have been reported missing from a cruise.

Currently, I am the attorney for the parents of George A. Smith IV, who disappeared on his honeymoon cruise. I understand that Congressman, Christopher Shays, has been very involved in this matter and has spearheaded the hearings, which will address cruise ship safety. I applaud the efforts to set up such hearings, and I can only hope strongly that Congress will give the necessary attention to what I perceive to be a real problem, that needs to be looked at very closely, and not brushed over by the cruise lines attempting to portray criminal activity aboard their cruise ships as not a problem. The cruise line industry obviously has, through the media, attempted to portray their industry as a very safe industry, with very few incidents per year aboard their cruise ships. Civil lawyers, such as myself, have been successful to some extent, through discovery, to develop the number of reported sexual assaults, at least that have been identified either because the victim has retained a civil lawyer, or the matter has received some type of public attention. As the civil lawyers developed this information, it caught the media's attention, and there has been increasing awareness about criminal activity aboard cruise

ships. The subject has resulted in many articles, and also has resulted in changes aboard cruise ships. I am a believer that the Civil Justice System is an essential tool for our society to identify problems with large corporations, and to hold them in check, and hold them accountable. To some extent, although not clearly not enough, the Civil Maritime attorneys have made some progress with creating public awareness as to the extent of criminal activity aboard cruise ships, and to some extent have caused positive changes to be made in the industry. More is needed though.

The case of George Allen Smith IV is, beside a tragic incident, one that often results in positive change.

His case has received national attention, and obviously has caught the attention of Congress, who has now scheduled hearings to address cruise ship safety. One main problem is the lack of public awareness as to the extent of criminal activity aboard cruise ships. I sincerely believe that over the 22 years I have been practicing Maritime Law that the cruise ship industry has actively focused on their public image, down playing the extent of criminal activity aboard the cruise ships, even to the extent of attempting to cover up certain incidents aboard their ships. Over the years, I have worked with FBI officials in cases that I have handled, and the feedback received, even though most likely "off the record", was that it was very difficult for them to get cooperation from the cruise lines, and they were very frustrated by the difficulty in obtaining meaningful discovery, and in the difficulty in identifying the number of incidents that occur aboard the cruise ships. Over the years, I also dealt with a lady who was in charge of the rape treatment center here at Jackson Memorial Hospital, Miami, Florida, where most of the cruise lines are based. She had reported to me that she did not know why the problem of sexual assaults aboard cruise ships was not addressed because she felt that there was an alarming number of cases reported to the Rape Treatment Center on a weekly basis, involving cruise ships.

With all this said, I applaud Congress for setting these hearings, but must express to you my concern about the hearings. I have been informed that there will be no attorneys who regularly sue the cruise line companies for sexual assaults or other types of criminal activity who will get to speak. The victims nor their families, will not get to speak, including the Smith family. One of the organizations that will be permitted to speak is the International Counsel of Cruise Lines, and Michael Crye, who will speak. It is well known to all of us that the International Counsel of Cruise Lines is simply an organization of cruise line companies, that have been formed to jointly work together, to maintain a positive image for the cruise ship industry. The cruise ship industry cannot afford bad publicity. It has been my experience over the years that this organization acts as the spokesperson for the different cruise line companies in any type of issue out in the public that may impact either their profits or their public image. For example, in the case involving George A. Smith IV, Michael Crye, of the International Counsel of Cruise Lines, was quoted soon after the George A. Smith IV was reported as missing, saying what can the cruise line industry do if a passenger chooses to harm himself. We believe that the cruise line, as well as their representative, the International Counsel of Cruise Lines, immediately tried to get out into the public and convey information to suggest that

the disappearance of George A. Smith IV was simply an unfortunate accident aboard their cruise ship, which in no way involved any fault on their part, nor were there any circumstances to raise concern among the public about the safety of a cruise ship. We have learned that when those statements were made the cruise line company had reason to suspect that criminal activity may have played a part in George A. Smith IV's disappearance. While we feel strongly that criminal activity resulted in the death of George A. Smith IV, giving the cruise line any benefit of the doubt, based on the information they knew from the beginning, it had to be at least a possible consideration that a crime had occurred. Yet, the International Counsel of Cruise Lines was speaking out immediately, as was the spokesperson for Royal Caribbean Cruise Lines, suggesting George A. Smith IV just simply suffered an unfortunate accident aboard the cruise ship, as others had, but nothing to alarm the public.

Therefore, you are having a representative of the International Counsel of Cruise Lines speak to you who is a paid lobbyist on behalf of the cruise line company. My concern, without in any way suggesting that this panel will follow suit, or that Congress will not give this the serious consideration it deserves, is that the cruise line industry has proven to be a very powerful force with Congress. Over the 22 years that I have practiced, I have seen nothing but rights of individuals either taken away, or restricted, in cases involving cruise line companies. The cruise lines did not like the fact that Maritime Law held them liable for the negligence of doctors they sent their crewmembers to. Although there are no limitations in the recovery of damages that a crewmember can recover against a cruise line company, including claims by a crewmember for negligent medical treatment, the cruise lines sought limitations in such cases where the negligence alleged by the crewmember was that a shoreside doctor committed the negligence. To simplify this, a shipowner must give medical care to a crewmember. If the shipowner gives the medical care by sending the crewmember to a doctor on land, for example when a specialist is needed, and that doctor on land is negligent, the crewmember can sue the shipowner for that negligence. The crewmember does not have to sue the doctor.

What happened? A crewmember was treated shoreside by a doctor who committed malpractice, leaving the crewmember in a persistent vegetative state. The crewmember was a young 32-year-old female. I will never forget the case. It was one of the saddest cases I worked with. The shoreside doctor committed malpractice, which contributed to the patient ending up in a vegetative state. A large verdict was obtained on behalf of the 32-year-old female nurse. Since there was no limitation damages, the crewmember recovered the full award from the cruise line company. The cruise line company tried to get the money back from the doctor in California. However, the doctor in California had the benefit of a cap on intangible damages that applied in the State of California. Therefore, the cruise line could not recover the full amount of the money it had paid the crewmember from the doctor who committed the malpractice. What did the cruise line do? They went to Congress and were successful in passing legislation that granted them a limitation in such case to coincide with the limitation of the shoreside doctor. Therefore, although the crewmember, under Maritime Law, is not subject to any limitations or caps on damages, the cruise line was successful in getting the change from

Congress, limiting the damages available to a crewmember if the malpractice is committed by a shoreside doctor who has a cap on damages in his particular state.

The cruise line has consistently sought legislation to deny them the ability to be sued by foreign crewmembers, even though the Supreme Court of the United States declared that foreign crewmembers can sue the cruise ship companies in the United States, despite the foreign flag vessel, and despite the fact that the companies incorporate in foreign countries, as long as the cruise line company has a base of operations in the United States. The cruise line was very close to having such legislation pass. It passed through the Senate or the House, and then the Bill eventually was "killed" when opposition to the Bill focused on possible taxation of the cruise line industry.

The cruise lines have obtained other concessions in Congress involving liability for Personal Injury actions. There are seeking limitations on liability for intentional torts by their crew.

Recently, Congress granted an exception to the limit, in a Wrongful Death Action on the high seas, to recovery of pecuniary damages only. Under the death on the high seas act, the survivors entitled to recover are limited to recovering pecuniary losses, and are denied recovery of non-pecuniary losses. We consider this to be an extremely unfair restriction on recovery of damages for Wrongful Death, which is the subject of another day. However, Congress apparently agreed to some extent, because now there is an exception to the limitation to pecuniary damages, which permits recovery of non-pecuniary damages by survivors of somebody who is killed in an airplane crash. For some peculiar reason, Congress would not grant the similar exception to survivors of someone who is killed on a cruise ship. There does not seem to be any rational distinction between someone killed on an airplane, and someone killed aboard a cruise ship. Yet, the cruise line was successful in keeping their industry out of this exception.

In sum, I point out these matters, because I hope that I can share with you my 22 years of experience litigating solely cases in the Maritime field, almost exclusively involving the cruise line industry. I have seen an increasing number of criminal activity aboard the ships, and an increasing number of sexual assaults, and an increasing number of people reported missing. I have seen numerous accounts of attempted cover-ups, withholding information, and failure to timely report criminal activity, all resulting in failed investigations of criminal activity aboard cruise ships. I read somewhere that despite the number of reported criminal activity aboard Royal Caribbean Cruise Line ships, there has never been a successful conviction against an alleged assailant. My experience suggests the FBI acts behind the eight ball a lot when they are finally called in regarding a particular matter. I would be interested in the Smith case, to know, when the cruise line did contact the FBI, and exactly what information was given to the FBI when the cruise line initially contacted them. If the FBI knew blood was found inside the cabin, blood was found on the balcony, blood was found on an overhang below the balcony, and a passenger in the cabin next door had reported loud noises and struggling inside the cabin, would that cause a different type of reaction than what occurred in this particular case? If not, then we need change.

Congress should be aware that the first "authorities" who got involved in doing any type of investigation were the Turkish authorities in this case. As this Congress probably knows, Royal Caribbean Cruise Lines is incorporated in Liberia, and the Brilliance of the Seas cruise ship flies a Bahamian flag. The passenger involved, George A. Smith IV, is an American. I am not trying to cast any negative conclusions on the Turkish authorities. But one must question the real incentive the Turkish authorities have to properly investigate what appears to have been a crime aboard the Brilliance of the Seas involving an American. If one were to view the video recording of one of the interviews of a key witness in this matter, one would conclude that there was not much of an investigation done by the Turkish authorities. The cruise ship remained in the Turkish port only for several hours. The Turkish authorities reported that they were rushed off the ship so that the ship could sail as scheduled. The company allowed passengers to come and go while the ship was in port, despite the fact that there may have been material evidence and witnesses onboard the ship at that time, who were permitted to freely come and go, and remove anything from the cruise ship that they wanted to. Several material witnesses were not interviewed immediately, some even months after had not been interviewed at all. The cruise line claims they promptly investigated. They investigated the incident by sending their local Miami counsel who represents them in civil lawsuits to the ship, who interviewed potential witnesses, giving them the freedom of when to reduce such statements to writing, what to actually place in any written statements, giving them the freedom of who to interview, and who not to interview. Of course, counsel for the cruise lines are a civil defense law firm, who has no business conducting a criminal investigation, or getting involved in one prior to the authorities doing a very thorough investigation.

I hope all of the above has been helpful to some extent. Again, I have been doing this for more than 22 years, and feel that something needs to be done, and I hope that hearing testimony from the cruise lines paid lobbyist will not be the end. I hope there will be continued hearings, and a spotlight put on the cruise line industry, even if it affects their public image, which I know they will fight hard to protect at this time and in the months and years to come.

Thank you very much for listening to me.

Sincerely yours,

RIVKIND PEDRAZA & MARGULIES, P.A.

BRETT RIVKIND, ESQ.

BR:lg

Palarino, Nicholas

From: Law Offices of Luis A. Perez, PA
Sent: Monday, December 12, 2005 5:27 PM
To: Palarino, Nicholas
Subject: Royal Caribbean Cruises (missing crewmember)

On March 16, 2005 Symon Dias was working for Royal Caribbean aboard their cruise ship "Majesty of the Seas" when he was reported missing, and disappeared without a trace. The cruise line, ship's captain, officers and crew breached their duty, under longstanding admiralty law, to conduct a search or rescue of this missing crewmember.

Mr. Dias was from India and was employed as a stateroom attendant. His mother and father, Maria L. Dias and Natividade Dias engaged in a futile letter writing campaign to Royal Caribbean to try and get some answers as to their son's disappearance. They wrote letters to Jack Williams, the president of Royal Caribbean, Richard Fain, managing director, several people at the human resources and risk management department. Their pleas for any information as to their son's disappearance were ignored adding to the tragedy of their son's shocking disappearance.

Mr. Dias was only 30 years old, by all accounts was a conscientious employee and enjoyed his work which he depended upon to support his family and himself.

The Law Offices of Luis A. Perez, P.A. filed a \$10,000,000.00 lawsuit against Royal Caribbean in Miami, Dade County, Florida on December 12, 2005 for Royal Caribbean's negligence and breach of the maritime duty to conduct a search for Symon Dias once they learned he was missing. (*Maria L. Dias and Natividade Dias, as Parents and next friends of Symon Dias, missing and presumed dead v. Royal Caribbean Cruises, Ltd.*, case number 05-24292 CA 32.)

Please make this part of the record during the subcommittee hearings on the issue of cruise ship safety.

If you need any further information, please feel free to contact us.

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12/12/2005